

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, MARCH 19, 2015**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 117, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

P. Ryan Beckett, Chairman  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance  
Department  
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood  
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Donaldson, Bruce; Tort Claims Board  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Moxley, Richard; Willis  
Scott, Leslie; Mississippi Association of Supervisors  
Surrette, Derrick; Mississippi Association of Supervisors  
Wells, Lisa; Cannon Cochran Management Services, Inc.  
Wilson, Jeff; Trinity Capital  
Younger, Jim; Department of Public Safety

Motion was made by Mr. Upchurch to approve the minutes of the November 13, 2014, meeting. Mrs. Jackson seconded the motion, which passed unanimously.

In Old Business, Mrs. McElroy provided Board members with a copy of Tim Farley's Liability Claims Audit Report, discussed his findings, as well as how those are being addressed. She also provided a Legislation Summary for the 2015 Session looking at House Bill 1047 and the appropriation in Senate Bill 2889.

There was no New Business.

Mr. Logan presented financial reports for fiscal year 2015 through February 28, 2015. The Cash Flow Analysis details assessment receipts of \$4.3 million (86% of the total assessment) and total expenditures of just over \$4 million. Total funds of \$16.2 million breakdown by account with \$3.6 million in the Treasury, \$228,516 in the Trustmark TPA account, and \$12.34 million in investments. Mr. Logan advised that the fund has \$10.5 million

in reserves and \$5.5 million in unencumbered funds. Claims paid in FY15 total \$1,519,068 and legal expenses total \$381,320. The average claim paid is \$3,191 and the average reserve is \$21,817. Mr. Logan then reviewed the Budget Comparison by category for fiscal year 2015, reporting that everything was in line for this time of year.

Mr. Wilson presented the investment report through February 2015. The portfolio currently has just under \$12.9 million invested with a market value of \$12.74 million. This reflects an increase in market value of \$100,000, but that margin is pretty static and we probably will not make up the last \$100,000 before the end of the fiscal year. That is not a concern, however, and is an increase of about \$500,000 over this time last year. The internal rate of return is right at 1.5% and the yield of the portfolio is just under 2% for the fiscal year, which is almost identical to where we were at the end of the calendar year. The weighted average life of the portfolio is just over 4 years, which is a little long. The portfolio has earned just over \$163,000 for fiscal year 2015, and should finish around \$200,000-\$225,000.

In Mr. Milner's absence, Mrs. McElroy provided members a report of his Loss Control activities since the last Board meeting, noting his presentations to the MHP districts which looked at reducing speed and speed-related accidents. Commissioner Santa Cruz and Colonel Berry have been very supportive in working with us in these efforts. In addition, Mr. Milner, Mr. Donaldson, and Mrs. McElroy made a presentation to Cadet Class 61 at the MLEOTA March 13<sup>th</sup>.

Mrs. McElroy presented five (5) attorneys for inclusion in the approved Attorney Register: T. Hunt Cole, Jr. of Forman, Perry, Watkins, Krutz & Tardy; Rocky W. Eaton of Tyner, Eaton & Fulce, PLLC; Dawn E. Fulce of Tyner, Eaton & Fulce, PLLC; Robert Greenlee of the Whitfield Law Group, PLLC; and James G. House, III of Forman, Perry, Watkins, Krutz & Tardy. Mr. Lanford moved to approve and Mrs. Kelsey seconded. The motion passed unanimously.

Mrs. McElroy presented a list of 57 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Lanford made a motion to approve the list and Mrs. Jackson seconded the motion, which passed by unanimous vote.

Mrs. McElroy presented a deposit schedule proposed by Singing River Health System to bring their Tort Claims Account to the funding level required as per their actuarial report. Board members voiced concern that the final balloon payment in June of 2016 was over half of the amount to be deposited. Following discussion, members voiced their willingness to support some schedule by Singing River, but not with such a large balloon payment. They expressed a desire to have Singing River discuss this in person at the next meeting.

Lastly, Mrs. McElroy presented a request by the Mississippi Association of Supervisors Insurance Trust for approval to change their third party administrator to Canon Cochran Management Services Inc. (CCMSI) and their casualty reinsurance provider to County Reinsurance, Limited (CRL). In addition, because it is year-end for this program and we do have a new actuarial report for the Trust detailing that they will be funded at over the 95% level with current assessments and the reinsurance change, Mrs. McElroy also asked Board members to re-

approve the program going forward with an annual report due in July. Mr. Lanford moved to approve all three items and Mrs. Kelsey seconded. The motion passed unanimously. The Board thanked Mr. Surrette and Mrs. Scott for attending the meeting.

Mr. Donaldson provided a follow-up in the case of Myrtis Davis v. MS Department of Human Services, resulting from the change in defense counsel to Sam Gwin. The Defendant's Proposed Findings of Fact and Conclusions of Law were provided. Judge Lilly Blackmon Sanders has not yet ruled, which we think is a positive sign for us. We will see what additional information we have in May.

Mr. Donaldson reviewed the case of Estate of Austin Watkins v. MS Department of Human Services and the settlement recommendation of our defense attorney. Following discussion, Mr. Lanford made a motion to approve settlement authority of \$150,000. Mr. Upchurch seconded the motion, which passed by unanimous vote.

Mr. Donaldson reviewed the case of C.O. v. MS Department of Human Services and the settlement recommendation of our defense attorney. Following discussion, Mr. Upchurch made a motion to approve settlement authority of \$350,000 on the express provision that the money will be held in trust for the benefit of the minor and that the mother is not allowed to be the trustee (provided this provision does not negate the settlement agreement). Mrs. Kelsey seconded the motion, which passed by unanimous vote.

Mr. Donaldson reviewed the case of Elizabeth Gardner v. MS Department of Public Safety and the settlement recommendation of our defense attorney. Following discussion, Mr. Lanford made a motion to approve settlement authority of \$450,000. Mr. Upchurch seconded the motion, which passed by unanimous vote. In discussing the Supreme Court's factors regarding pursuit, the Chairman asked Board members to consider whether we want to address this standard through legislation next Session.

Lastly, Mr. Donaldson brought a claim resulting from a fallen tree on tax-forfeited land now owned by the Secretary of State's office. The Secretary of State's office is requesting that we pay for the removal of the tree. It is staff's opinion that this is a maintenance issue and the responsibility of the Secretary of State. Mr. Donaldson asked for the Board's opinion regarding these claims. The Board voiced its support for the position of the staff.

There being no further business to come before the Board, the meeting was adjourned.



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P. RYAN BECKETT, CHAIRMAN

  
MIKE CHANEY, BOARD MEMBER

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LYNN FITCH, BOARD MEMBER

  
JIM HOOD, BOARD MEMBER

\_\_\_\_\_  
GARY RIKARD, BOARD MEMBER

  
ALBERT SANTA CRUZ, BOARD MEMBER

  
KEVIN J. UPCHURCH, BOARD MEMBER



**Mississippi Tort Claims Board**  
**Thursday, March 19, 2015 – 1:30 P.M.**

**AGENDA**

- I.** Approval of Minutes
  - A. November 13, 2014
  
- II.** Old Business
  - A. Claim File Audit Report
  - B. Tort Claims Act Legislation Summary
  
- III.** New Business
  
- IV.** Financial Reports
  - A. Financial Report – Jim Logan
  - B. Investment Report – Jeff Wilson
  
- V.** Loss Control – Steve Milner
  
- VI.** Attorney General’s Report – Lea Ann McElroy
  
- VII.** Certificates of Coverage – Lea Ann McElroy
  - A. Singing River Health Systems
  - B. MASIT
  
- VIII.** Claims Report – Bruce Donaldson
  - A. Myrtis Davis vs. Mississippi Department of Human Services
  - B. Estate of Austin Watkins vs. Mississippi Department of Human Services
  - C. Cody Overton vs. Mississippi Department of Human Services
  - D. Elizabeth Gardner vs. Mississippi Department of Public Safety
  - E. Secretary of State
  
- IX.** Adjournment

*Next meeting date and time: May 14, 2015 – 1:30 P.M.*  
*Meeting location: Suite 138, Conference Center North, Woolfolk Building, Jackson, MS*

**MINUTES OF  
MISSISSIPPI TORT CLAIMS BOARD  
THURSDAY, NOVEMBER 13, 2014**

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The Mississippi Tort Claims Board (Board) meeting was held at 1:30 p.m. in Room 138, Woolfolk State Office Building; 501 North West Street; Jackson, Mississippi.

The following members were present, constituting a quorum:

P. Ryan Beckett, Chairman  
Jackson, Laura; Deputy State Treasurer, Representing Treasurer Lynn Fitch  
Kelsey, Christina; Representing Insurance Commissioner Mike Chaney, MS Insurance  
Department  
Lanford, Mike; Deputy Attorney General, Representing Attorney General Jim Hood  
Upchurch, Kevin; Executive Director, MS Department of Finance and Administration

Also present were:

Donaldson, Bruce; Tort Claims Board  
Kelly, Trina; Tort Claims Board  
Logan, Jim; Tort Claims Board  
McElroy, Lea Ann; Tort Claims Board  
Milner, Steve; Tort Claims Board  
Preziosi, Misti; Office of the State Treasurer  
Wells, Lisa; Cannon Cochran Management Services, Inc.  
Wells, Teresa; Tort Claims Board  
Wilson, Jeff; Trinity Capital  
Woodcock, J. D. "Woody"; Attorney General's Office  
Younger, Jim; Department of Public Safety

Motion was made by Mr. Lanford to approve the minutes of the September 11, 2014, meeting. Mr. Upchurch seconded the motion, which passed unanimously.

In Old Business, Mrs. McElroy provided Board members with the final copy of the Investment Policy approved at the September meeting and executed by the Chairman.

In New Business, Mrs. McElroy presented a recommendation for a Claim File Audit Policy. Mr. Upchurch made a motion to approve the policy as presented. Mrs. Jackson seconded the motion, which passed unanimously. Board members also received a list a meeting dates for 2015. At the request of the Chairman, the March meeting was moved to Thursday, March 5, 2015.

Mr. Logan presented financial reports for fiscal year 2015 through October 31, 2014. The Cash Flow Analysis details assessment receipts of \$2.5 million (half of the total assessment)

and total expenditures of just under \$2 million. Total funds of \$15.6 million breakdown by account with \$3 million in the Treasury, \$213,443 in the Trustmark TPA account, and \$12.34 million in investments. Mr. Logan advised that the fund has \$11.4 million in reserves and \$4.2 million in unencumbered funds. Claims paid in FY15 total \$759,664 and legal expenses total \$119,577. Mr. Logan then reviewed the Budget Comparison by category for fiscal year 2015, reporting that everything was in line for this time of year.

Mr. Wilson presented the investment report through October 2014. The portfolio currently has just under \$12.8 million invested with a market value of \$12.6 million. While we are still under \$200,000, it is an increase in value of \$600,000 from this time last year. The internal year-to-date rate of return is just under 2% for the calendar year, but predictions are still to be a touch over 2% by the end of the calendar year. The Market Yield is just over 2 ¾%. The weighted average life of the portfolio is just under 3 years. The portfolio has earned just over \$230,000 for calendar year 2014, and just over \$100,000 for fiscal year 2015. Mr. Wilson also reviewed the Performance Report for the Board noting that the portfolio had gained in value just over 7%, the Portfolio Composition, and the Maturity Distribution.

Mr. Milner provided members a report of his Loss Control activities since the last Board meeting, noting another successful State Fair with no known claims. He also advised of the planned demolition of the Wheelis House at Grand Gulf Military Park.

There was no Attorney General's Report.

Mrs. McElroy presented a list of 57 political subdivisions with the recommendation that all be approved for renewal of Certificates of Coverage. Mr. Lanford made a motion to approve the list and Mr. Upchurch seconded the motion, which passed by unanimous vote.

Mr. Donaldson reviewed the case of Fredrick McAdory v. MS Department of Public Safety and the settlement recommendation of our defense attorney. Following discussion, Mr. Lanford made a motion to approve settlement authority of \$350,000. Mr. Upchurch seconded the motion, which passed by unanimous vote.

Mr. Lanford made a motion to enter into Executive Session to discuss a case that went to trial in August of 2013, unbeknownst to the Board, due to communication issues with a defense attorney handling the case. Mrs. Jackson seconded the motion, which passed by unanimous vote. Those attendees not pertinent to this discussion left the room, and the Board entered Executive Session. Following discussion, Mr. Upchurch made a motion to exit Executive Session. Mrs. Kelsey seconded the motion which passed unanimously.

Prior to adjournment, Mr. Woody Woodcock reported that MDOT was dismissed from the Bergeron case.

There being no further business to come before the Board, the meeting was adjourned.

P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, BOARD MEMBER

LYNN FITCH, BOARD MEMBER

JIM HOOD, BOARD MEMBER

GARY RIKARD, BOARD MEMBER

ALBERT SANTA CRUZ, BOARD MEMBER

KEVIN J. UPCHURCH, BOARD MEMBER



December 11, 2014

Ms. Lea Ann McElroy, Administrator  
Mississippi Tort Claims Board  
501 N. West Street, Suite 1301  
Jackson, Mississippi 39201

*by email: leaann.mcelroy@dfa.ms.gov*

### **Liability Claims Audit Report – 2014**

Dear Ms. McElroy:

Enclosed is the report of the recent audit of liability claims for the State of Mississippi Tort Claims Board (the Board).

Thank you again for allowing FMI to provide audit services to the Board.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tim Farley", written in a cursive style.

Timothy P. Farley, CPCU  
President

Encl.



# Liability Claims Audit – 2014

## State of Mississippi Tort Claims Board



December 11, 2014

# **FMI**

**F A R L E Y  
MANAGEMENT, INC.**

3753 Howard Hughes Parkway, Suite 200  
Las Vegas, NV 89169-0952  
Phone: 760.435.9272 ~ Fax: 760.722.1760  
[farleyconsulting@cox.net](mailto:farleyconsulting@cox.net)

An Independent Claims Management  
Consulting Firm





December 11, 2014

The State of Mississippi  
Tort Claims Board  
501 N. West Street, Suite 1301  
Jackson, Mississippi 39201

Attn: Ms. Lea Ann McElroy  
Administrator

### **Liability Claims Audit – 2014**

This report summarizes the results of an audit of general liability and minor property claims for the Mississippi Tort Claims Board (the Board). FMI reviewed 70 claims. Fifty of these claims were reviewed at the Ridgeland office of Cannon Cochran Management Services, Inc. (CCMSI). Another 20 claims were reviewed at the Board office in Jackson.

The audit was conducted November 18, 2014 through November 20, 2014. The audit includes:

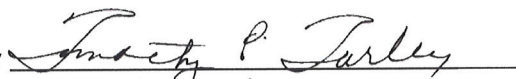
1. The evaluation of the effectiveness of claims handling practices at CCMSI and the Board office.
2. Interviews and discussions with:
  - Mr. John Burns and Ms. Lisa Wells at CCMSI
  - Mr. Bruce Donaldson, Claims Manager, and Ms. Lea Ann McElroy, Tort Administrator, at the Tort Claims Board office
  - Exit discussions of audit findings with the named personnel at both locations while still on-site. The exit discussions presented all findings and included requests that each handling entity provide a rebuttal to these findings. Those rebuttals were received and considered prior to the creation and submission of this report.

3. The acknowledgement that CCMSI is responsible for the handling of higher exposure property and tort liability claims, including all investigation related to those claims. Mr. Donaldson monitors and directs all litigation on Board claims. He is also responsible for establishing legal defense reserves, reviewing and paying legal bills. This is discussed in more detail later in this report.

FMI appreciates the opportunity to complete this important project for the Board.

Respectfully submitted,

**FARLEY MANAGEMENT, INC.**

by   
Timothy P. Farley, CPCU  
President

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## I. Executive Summary

The audit of 70 liability and minor property damage claims for the Board reveals that claims administration is generally effective, but the current litigation management process is cumbersome and has created legal reserve accuracy issues on CCMSI's periodic loss reports.

FMI makes the following observations and recommendations based on this audit:

1. CCMSI is adequately staffed to handle Board liability claims, but the caseload for one of the adjustors assigned to the account slightly exceeds the recommended maximum of 150 claims. The other adjustor has a caseload of 120. CCMSI should consider transferring some claims to the adjustor with the lower caseload. Exhibit 1 on page 4 displays the organizational make-up at CCMSI and the Board.

Both adjustors have the requisite experience for public entity liability claims.

2. CCMSI is maintaining accurate reserves on most of the claims reviewed. Five claims require reserve adjustment. Those claims are discussed in Exhibit 2 on page 6. No reserving deficiencies were identified at the Board office. Discussions with Mr. Donaldson confirmed that legal expense reserves documented in the Board claims information system actually represent the sum of case reserves for a three-year period. So, for example, if the information system listed a \$75,000 reserve, the actual fiscal impact for the current year was only \$25,000. FMI took this clarification into consideration when assessing legal expense reserve accuracy.
3. Investigation is generally thorough, but a number of claims are not efficiently documenting important investigatory activity such as accident scene photographs and police reports. Exhibit 3 on page 8 lists and discusses the deficient claims.
4. Litigation management is generally effective, but there is some lack of thorough documentation of litigation activity in the CCMSI claims data due to the direct handling of litigation matters at the Board office. This is discussed in more detail in the Section II.C.3, Litigation Management (page 9) of this report.
5. CCMSI is maintaining an effective diary policy on all claims reviewed, but a significant deficiency is observed on claims reviewed at the Board office. Six of the 20 claims reviewed at the Board lack timely diary activity. These claims are discussed in Exhibit 4 on page 10.
6. Settlements on Board claims are logical. The resolution of all claims is supported by a clear and accurate assessment of the likely exposure to the Board. No settlement deficiencies are identified.
7. Documentation of claim activity is thorough on the CCMSI claims management information system. Three of the claims reviewed at the Board lack any daily

activity notes in either of the two data systems utilized. This is discussed in more detail in the section of this report devoted to documentation.

8. Supervisory instructional input is thorough and clearly documented at CCMSI and the Board.

These and other elements of the audit are discussed in more detail in the remainder of this report.

## **II. Audit Results**

### **A. Background**

The Board seeks a comprehensive review of all elements of the administration of property and liability claims presented against the State of Mississippi. This audit assesses the level of performance at CCMSI and the Tort Claims Board. The project seeks to analyze the degree to which each entity is complying with accepted industry claims handling practices.

A list of the claims reviewed appears in the Appendix to this report.

### **B. Current Staffing and Caseloads**

#### **CCMSI**

CCMSI is adequately staffed to handle Board claims. Exhibit 1 displays the make-up of the CCMSI unit devoted to Board claims. The caseload of Ms. Amanda Rayburn, the primary Board adjuster at CCMSI, slightly exceeds the recommended maximum of 150. Ms. Abby Watkins maintains a caseload of 120 lower exposure claims. CCMSI should consider identifying low exposure cases in Ms. Rayburn's caseload that could be transferred to Ms. Watkins. Both adjusters have the requisite claims administration experience.

#### **Tort Claims Board Office**

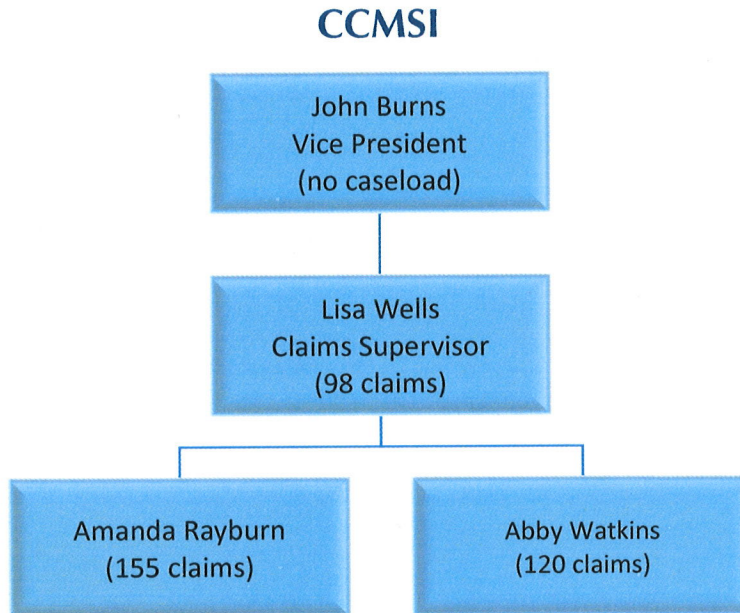
Personnel at the Board office includes Mr. Donaldson and one adjuster:

- Teresa Wells, Claims Officer

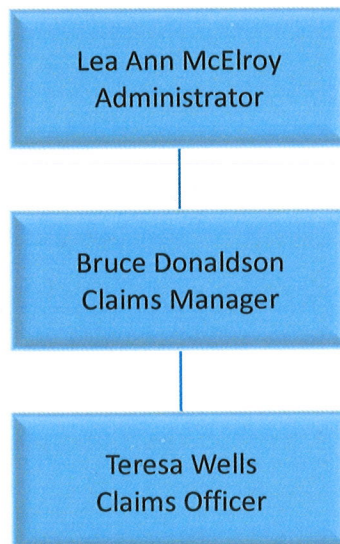
Both individuals at the Board office are maintaining reasonable caseloads



## Exhibit 1 – Organizational Structure



## Tort Claims Board



## C. Claims Handling Analysis

The claims reviewed at CCMSI were chosen from a loss run sent by CCMSI electronically. FMI selected the claims and provided that list to CCMSI roughly two weeks prior to the on-site review. Claims reviewed at the Board office were also selected from a spreadsheet provided electronically by the Board. That list was sent to the Board about one week prior to the on-site visit.

### 1. Case Reserve Accuracy

Board claim reserves are based on:

- Extent of liability attributable to the Board.
- Extent of damages (bodily injury and/or property damage).
- Existence of immunities or defenses applicable to the Board.
- Incorporation of relevant Mississippi tort liability caps.
- Anticipated legal expenses.
- Settlement trends of venues where the losses occur.
- Injury history information of the claimant to identify other non-related causes of injuries.

CCMSI is establishing and maintaining accurate case reserves on most of the claims it handles. Discussions with CCMSI staff and Mr. Donaldson confirm that CCMSI is not responsible for establishing and maintaining legal expense reserves. Exhibit 2 lists four claims that require reserve adjustment.

The review of Board claims initially identified several claims that seemed to have excessive legal expense reserves. Mr. Donaldson confirmed that the legal reserves documented in the Board's CSStars claims information system actually represented the sum of case reserves for a three-year period. So, for example, if the information system listed a \$75,000 reserve, the actual fiscal impact for the current year was only \$25,000. The Board advised that this methodology is used only for the legal expense reserving category. FMI took this clarification into consideration when assessing reserve accuracy on all litigated claims reviewed.

The methodology is based on the Board's execution of three-year service agreements with its representative counsels.

The Board is taking these and other factors into consideration when establishing and amending reserves. No case reserve deficiencies are identified at the Board.

## Exhibit 2 – Case Reserve Analysis

Claim No.	Current Outstanding Reserve	Recommended Outstanding Reserve	Comments
13S26C665357	\$36,000 (bodily injury)	\$100,000 (bodily injury)	Claim activity notes indicate that CCMSI and the assigned defense attorney have been given authority to settle this claim up to this amount.
18S26E148338	\$10,000 (bodily injury)	\$100,000 (bodily injury)	This allegation of nursing home malpractice involves a fatality. Liability is questionable, but due to the severity of the claim, the reserve warrants an increase.
12S26C727583	\$1,000 (bodily injury)	\$50,000 (bodily injury)	Notes from defense counsel summarizing comments from the defense expert indicate that the expert has communicated “concerns” about liability for this nursing home malpractice allegation.
01526L186038	n/a	n/a	This is a comprehensive claim established to anticipate and pay all of the numerous windshield-related claims received by the Board. The significant values for this claim are listed under the “bodily injury” heading. This seems incorrect. It should be listed under “property damage.”

## **2. Investigation**

Thorough investigation of Board property and general liability claims requires the following activity:

- Making prompt contact with the injured parties or their representative.
- Verifying that the injury is related to the incident.
- Canvassing for possible witnesses to the incident.
- Obtaining recorded or written statements regarding the incident from the claimant or witnesses when possible.
- Obtaining photographs of accident scenes or instruments causing injury when applicable.
- Follow-up contact with medical providers and attorneys to gain a clear understanding of the severity of the injury.
- Obtaining and analyzing property damage estimates.
- Obtaining police accident reports, if applicable.
- Identifying additional tortfeasors to transfer liability away from the Board.
- Consideration of the relevant Mississippi tort cap.
- Invocation of immunities and defenses unique to Mississippi governmental agencies.

CCMSI is generally conducting thorough investigation of Board claims, but several claims lack the clear documentation of important investigatory material. Exhibit 3 lists and discusses those claims.

### **Subrogation**

Five of the claims reviewed involved instances where another party was deemed responsible for the loss sustained by the Board. CCMSI pursued the responsible party aggressively in all instances.

### Exhibit 3 – Tort Claims Investigation Analysis

Claim No.	Discussion
08S26A199961	This claim involves a motor vehicle accident. There are no documented photographs or police report in CCMSI's information system.
09S26A970920	There are no photographs or police report documented to CCMSI's information system for this motor vehicle accident.
11S26C259975	This claim involves a motor vehicle accident. There is no police report documented to the information system.
14S26E167561	Claim activity notes refer to "photos," but none are documented.
14S26E405365	This is a motor vehicle accident. There is a dispute pertaining to the controlling traffic signal. No photographs of the scene or the signal are documented.



### **3. Litigation Management**

When evaluating this category, FMI:

- Confirmed that cases are referred to defense counsel timely.
- Evaluated whether the Board simply defers all responsibility to the attorney once it is referred or continues to closely monitor all defense activity.
- Confirmed that defense counsel is providing timely and informative status updates to the Board.
- Evaluated the timeliness and reasonableness of legal defense payments.
- Litigation management is handled by Mr. Donaldson, the Board Claims Manager. All referrals are assigned by him. Legal expense reserves and payments are monitored by him utilizing the three-year established value of \$75,000 per litigated case. CCMSI's only involvement is the payment of approved legal expenses.

Forty of the 70 claims reviewed involved some element of litigation. Cases are referred to counsel timely in all instances. Only one litigated claim reviewed exhibits a lack of timely status updates from defense counsel to the Board:

- 10S26B453692 – Defense counsel has not provided an updated legal status to the Board for some time, despite multiple requests from Mr. Donaldson.

### **4. Diary/File Closure**

Industry standards dictate that all active general liability and property claims should be reviewed at least every 45 days.

CCMSI is maintaining a timely and compliant diary in all instances, but claims reviewed at the Board reveal significant deficiencies. Six of the 20 claims reviewed at the Board exhibit unacceptable gaps in claim handling activity. Most of these deficient claims could have been closed long ago had they received the requisite attention. Exhibit 4 lists and discusses these claims.

### **Recommendation**

Over the next six months, the Board claims handling staff should conduct a purge of the entire open caseload to eliminate/close claims with no further exposure to the Board.



#### Exhibit 4 – Diary Analysis, Tort Claims Board

Claim No.	Discussion
2014-0000734	The Board's information system designates this claim as "closed-4/24/14," yet the loss run provided in late October 2014 still lists it as open with a significant legal reserve.
2070-000856	This claim was received by the Board on 4/4/07. There are no activity notes documented in either the CSStars system or the iSynergy system.
2080-000522	This minor property damage claim seems to have been paid in 2007 with a note indicating a release would be obtained. No release appears in either system and there is no subsequent discussion of the claim's final resolution.
2070-000159	There are no documented notes in either information system. The last note appears in the hard copy file and is dated 12/12/11.
2080000852	This litigated claim involving a motor vehicle accident is designated as paid and closed in August 2009, yet there are still high outstanding reserves for both bodily injury and legal expense.
2014-0000146	Notice of this claim for trespass was received by the Board on 1/22/13. No suit or further action was ever received. The claim was not closed until 11/17/14. Board claims staff indicated it is Board policy to close incident-only events such as this within one year of receipt.

### **5. Claim Data Organization and Information System Clarity**

All material viewed to assess performance for both entities was obtained via access to the respective claims management information systems of CCMSI and the Board:

- CCMSI – iCE claims management
- Board – CSStars and iSynergy

CCMSI's system is efficiently capturing and documenting vital claims administration activity. No documentation clarity issues are identified at CCMSI.

The Board's use of two systems seems cumbersome. FMI recommends the Board consider utilizing one system to manage its claims. Several commercial software vendors FMI is familiar with provide efficient systems that could meet the Board's claims management needs.

The Board advised FMI that daily adjustor activity is documented to the iSynergy note screen module. Five of the claims reviewed at the Board had no activity notes at all. Those claims are:

- 2060000736
- 2100-000183
- 20110000607
- 2070-0001100
- 2070-000159

### **6. Supervision**

Supervisory instructional activity is seen consistently at CCMSI (Ms. Wells) and the Board (Mr. Donaldson). No supervisory deficiencies are identified for either entity.

## **Appendix**

### **Audit Claims Lists**

**Claims Files - CCMSI**

Claimant	Claim No.
1. Aaron, Annie	13S26E294286
2. Abadie, Rachel	06S26T863196
3. Allen, Steven	13S26C665357
4. Ashmore, David	08S26A199961
5. Barlow, Mike	13S26E289664
6. Blake, Carla	14S26E299114
7. Blouin Estate of, Alexander	13S26E148338
8. Buckley, William	11S26C259975
9. Burton, Ronnie	08S26A894198
10. Clarke, Jonah	14S26E167550
11. Dodd, Paula	13S26C663042
12. Elder, Patrick	14S26E386034
13. Enamorado, Santos	14S26E265560
14. Gaines, Florence	10S26B922049
15. Grice, Timothy	10S26B453692
16. Harper, John	13S26C972381
17. Hawn, John	12S26C439468
18. Holland, Jefferson	14S26E405365
19. Holmes, Bill	10S26B456075
20. Howard, Miasya	14S26E395400
21. Hudson, Shelia	14S26E296263
22. Humphries, Acazion	13S26C778745
23. Inc, Wheels	14S26E404502
24. Ivy, Charlene	13S26C702497
25. Jackson, Jeremiah	13S26C973525

Claimant	Claim No.
26. Johnson, Clayton	14S26E391246
27. Land, Adrian	13S26C784758
28. Land, Adrian	13S26C784766
29. Linston, Yvette	14S26E174914
30. McCoy, Joe	10S26B456109
31. Meaux, Keith	14S26E142874
32. Mixon, Timothy	09S26A970920
33. Moore, Robizene	12S26C727582
34. Peace, Shalandria	14S26E404633
35. Peebles, George	14S26E485357
36. Pendergest, Jim	14S26E412092
37. Phillips, Darla	14S26E167561
38. Radcliffe, Steven	13S26C975450
39. Roman, Wilfredo	14S26E197376
40. Rowley, Steven	14S26E380715
41. Sartin, Bill	14S26E316291
42. Smith, Whitney	13S26E169741
43. Stoker, Kelli	12S26C767321
44. Superior, Pallet Co	14S26E197422
45. Surratt, William	13S26E142935
46. Taylor, James	13S26E169776
47. Wash, Trucking	09S26A966529
48. Water and Lights, West Point	14S26E404594
49. windshield, tort	01S26L186038
50. Wright, Zenobia	07S26A196102

**Claims Files – Tort Claims Board**

Claimant	Claim No.
1. Archer, Mary	20140000780-01
2. Bolton, Isaac	2070000159 001
3. Brewer, Kennedy	2090000895 001
4. Brooks, Levon	2090000896 001
5. Craft, Monique	2080000852 001
6. Dykes, Debra (Estate)	2060000568 001
7. Grice, Timothy	20110000607 01
8. James, Wanda	20150000146 01
9. Jobes, Chantel	20110000835 01
10. Joe Reed & Co Inc	20150000320 01

Claimant	Claim No.
11. Lovett, A. M.	2070000856 001
12. Monk, Alan Jr	20150000260 01
13. Roberson, Debbie	2090000115 002
14. Smith, Rickey	20140000734 01
15. The Lamar Company, LLC	20140000502 01
16. Walls, Colleen	20120000756 02
17. Williams, Shirley	2080000522 001
18. Williams, Tiffany	2060000736 001
19. Wohlfert, James	2070001100 001
20. Womack, Destiny	2100000183 002

# **Tort Claims Act Legislation Summary** 2015 Legislative Session

Bill No.	Introduced By	Action	MTCA Reference	Description	Notes
HB1047	Baker	Referred to Jud A (1/19) Passed Committee Substitute (1/28) Committee Sub Adopted (2/4) Passed House (2/4) Transmitted to Senate (2/6) Referred to Jud A (2/17) Passed Committee as Amended (2/26) Passed Senate as Amended (3/4) Returned for Concurrence (3/6) Decline to Concur/Invite Conference (3/12)	11-46-1(f)(iii) <del>11-46-15(4)</del> <del>11-46-19(1)(w)</del>	Adds language to require the Board "to develop and maintain a comprehensive list of physicians who are employees of governmental entities" and then amends Act so that limitation of liability only applies to those physicians on our list Revises 11-46-1(f)(iii) to include any employee or member of the Mississippi Charter Schools Authorizer Board; adds <del>11-46-15(4)</del> and <del>11-46-19(1)(w)</del> which makes the Tort Claims Board responsible for verifying employment of physicians for governmental entities.	

# MISSISSIPPI TORT CLAIMS BOARD

## Tort Claims Fund (Treasury Fund 3080)

Financial Report - Fiscal Year 2015

### -----CASH FLOW ANALYSIS-----

	November	December	January	February	YTD Total
<b>REVENUE:</b>					
Assessments Received	805,247.23	769,999.34	223,995.01	66,995.97	4,340,570.50
Interest	15.15	13.46	14.94	11.54	108.13
Investment Interest	28,944.04	16,388.94	9,576.68	5,155.63	163,195.16
Sale of Scrap	500.00	0.00	0.00	0.00	500.00
Refund of Prior Year Disbursement	1,658.12	0.00	0.00	0.00	1,658.12
Transfer In Funds	500,000.00	250,000.00	0.00	0.00	1,500,000.00
<b>Total Revenue</b>	<b>\$ 1,336,364.54</b>	<b>\$ 1,036,401.74</b>	<b>\$ 233,586.63</b>	<b>\$ 72,163.14</b>	<b>\$ 6,006,031.91</b>
<b>EXPENSES:</b>					
Claim Losses - TPA and TCB	585,182.82	78,928.21	57,420.46	37,872.57	1,519,067.86
Legal Expenses - TPA and TCB	43,952.57	89,351.94	95,497.52	32,941.37	381,320.12
Other Expenses - TPA and TCB	5,575.68	1,760.70	3,068.19	2,736.15	29,798.42
Administrative Expenses Paid	53,566.75	132,818.23	49,183.59	47,258.06	592,133.94
Transfer of Funds - Out	500,000.00	250,000.00	0.00	0.00	1,500,000.00
<b>Total Expenses</b>	<b>\$ 1,188,277.82</b>	<b>\$ 552,859.08</b>	<b>\$ 205,169.76</b>	<b>\$ 120,808.15</b>	<b>\$ 4,022,320.34</b>
<b>FUNDS ON HAND:</b>					
Beginning Balance	\$ 15,567,296.89	\$ 15,715,383.61	\$ 16,198,926.27	\$ 16,227,343.14	
Revenue	1,336,364.54	1,036,401.74	233,586.63	72,163.14	
Expenses	(1,188,277.82)	(552,859.08)	(205,169.76)	(120,808.15)	
Adjustments	0.00	0.00	0.00	0.00	
<b>Total Funds</b>	<b>\$ 15,715,383.61</b>	<b>\$ 16,198,926.27</b>	<b>\$ 16,227,343.14</b>	<b>\$ 16,178,698.13</b>	
Cash in Treasury	\$ 3,234,020.54	\$ 3,536,868.51	\$ 3,623,162.46	\$ 3,610,771.73	
Investment in Treasury	\$ 12,339,410.00	\$ 12,339,410.00	\$ 12,339,410.00	\$ 12,339,410.00	
TPA Trustmark Bank Balance	141,953.07	322,647.76	264,770.68	228,516.40	
<b>Total Funds By Account</b>	<b>\$ 15,715,383.61</b>	<b>\$ 16,198,926.27</b>	<b>\$ 16,227,343.14</b>	<b>\$ 16,178,698.13</b>	
Less Reserves	10,884,812.53	11,433,676.57	10,677,229.49	10,581,189.18	
<b>Unencumbered Funds Available</b>	<b>\$ 4,830,571.08</b>	<b>\$ 4,765,249.70</b>	<b>\$ 5,550,113.65</b>	<b>\$ 5,597,508.95</b>	

### -----CLAIMS/RESERVES DETAIL (Year-To-Date)-----

	Tort Board	CCMSI	TOTAL
Claims - Payments	\$ 99,628.83	\$ 1,419,439.03	\$ 1,519,067.86
Claims - Legal Expenses	381,320.12	-	\$ 381,320.12
Claims - Other Expenses	434.00	29,364.42	\$ 29,798.42
<b>Total Paid Out to Date</b>	<b>\$ 481,382.95</b>	<b>\$ 1,448,803.45</b>	<b>\$ 1,930,186.40</b>
<b>OUTSTANDING RESERVES</b>	420,761.70	10,160,427.48	\$ 10,581,189.18
<b>Total Claims &amp; Reserves</b>	<b>\$ 902,144.65</b>	<b>\$ 11,609,230.93</b>	<b>\$ 12,511,375.58</b>
Number of Claims Processed	391	276	667
Number of Claims Paid	208	268	476
Total Open Claims	146	339	485
<b>AVERAGE CLAIM PAID</b>	<b>\$478.98</b>	<b>\$5,296.41</b>	<b>\$ 3,191.32</b>
<b>AVERAGE RESERVE/OPEN CLAIM</b>	<b>\$2,881.93</b>	<b>\$29,971.76</b>	<b>\$ 21,816.88</b>



# MISSISSIPPI TORT CLAIMS BOARD

## Budget Comparison Report

Treasury Fund 3080

Fiscal Year 2015

Expenses:	Total Budget	November 2014	December 2014	January 2015	February 2015	Year To Date Expenditures	Ending Balance	Percent Expended
A1-Salaries	\$ 555,000.00	\$ 45,133.11	\$ 44,732.61	\$ 43,825.40	\$ 41,631.44	\$ 354,619.16	\$ 200,380.84	63.90%
A2-Travel	8,000.00	0.00	0.00	220.54	400.77	1,759.83	6,240.17	22.00%
B-Contractual	4,727,706.00	51,720.79	177,191.30	100,434.78	38,007.30	613,538.79	4,114,167.21	12.98%
C-Commodities	8,300.00	989.92	333.71	188.49	151.42	3,889.63	4,410.37	46.86%
D2-Capital Outlay	3,500.00	0.00	0.00	0.00	0.00	0.00	3,500.00	0.00%
E-Subsidies	3,819,924.00	518,929.27	261,282.69	2,608.53	3,935.11	1,599,628.83	2,220,295.17	41.88%
<b>SUBTOTAL</b>	<b><u>\$ 9,122,430.00</u></b>	<b><u>\$ 616,773.09</u></b>	<b><u>\$ 483,540.31</u></b>	<b><u>\$ 147,277.74</u></b>	<b><u>\$ 84,126.04</u></b>	<b><u>\$ 2,573,436.24</u></b>	<b><u>\$ 6,548,993.76</u></b>	<b><u>28.21%</u></b>
TPA Expended		<u>571,504.73</u>	<u>69,318.77</u>	<u>57,892.02</u>	<u>36,682.11</u>	<u>1,448,884.10</u>		
<b>TOTAL Expended</b>		<b><u>\$ 1,188,277.82</u></b>	<b><u>\$ 552,859.08</u></b>	<b><u>\$ 205,169.76</u></b>	<b><u>\$ 120,808.15</u></b>	<b><u>\$ 4,022,320.34</u></b>		

# **TRINITY**

TRINITY CAPITAL INVESTORS

March 4, 2015

Mr. Jim Logan  
Mississippi Tort Claims Board  
P O Box 267  
Jackson, MS 39205-0267

Re: February 2015 Portfolio Highlights

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Total Portfolio	Book Value	\$12,859,604
	Market Value	\$12,744,917
FY 2015 Internal Rate of Return		1.45%
Current Portfolio Book Yield		1.91%
Market Yield		2.15%
Weighted Average Life		Approximately 4.30 years
2015 Fiscal YTD Earnings		163,197
Accrued Interest		56,590

Security Inventory  
Booking Report  
February 2015  
**MISSISSIPPI TORT CLAIMS FUND**

Security Group	Type	Par Value	Book Value/ Cost
AGEN	FNMA	875,000	882,275.00
	AID	250,000	268,427.50
	FHLB	3,716,000	3,701,507.45
	FHLMC	1,000,000	1,001,960.00
	FFCB	500,000	500,000.00
CMO	GNMA	4,712,998	3,863,073.12
	GN ARM	708,736	249,809.06
	GN FLOATER	474,564	151,740.94
	FHR	952,814	157,443.28
	PEFCO	500,000	518,605.00
	US TREAS	1,500,000	1,499,501.86
INTEREST			5,155.63
CASH			65,260.42
			12,859,603.63

Transfer:



STATE OF MISSISSIPPI  
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD  
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
LYNN FITCH, Treasurer  
Department of Treasury  
JIM HOOD, Attorney General  
Office of Attorney General

GARY RIKARD, Executive Director  
Department of Environmental Quality  
ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

MEMORANDUM

**TO:** Mississippi Tort Claims Board  
**FROM:** Steve Milner  
**DATE:** March 19, 2015  
**RE:** Loss Control Report

Since the last Board Meeting, loss control and risk management services for the Tort Claims Board include:

- 3 Ride a Longs
- 26 State Property Inspections
- 5 Defensive Driving Classes
- 3 Risk Management Consultations
- 6 Emergency Responses
- 8 Highway Safety Construction Inspections
- 4 Accident Investigation
- 1 Building Demolition
- 1 Building Demolition Follow up
- 2 Risk Management Presentation
- 2 Risk Management Planning Meeting
- 9 Highway Patrol District Risk Management Presentations
- 3 Days MHP Cadet Training Site Visit Observations
- 5 Dixie National Rodeo Site Visits



STATE OF MISSISSIPPI  
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD  
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
LYNN FITCH, Treasurer  
Department of Treasury  
JIM HOOD, Attorney General  
Office of Attorney General

GARY RIKARD, Executive Director  
Department of Environmental Quality  
ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

MEMORANDUM

**TO:** Mississippi Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** March 19, 2015  
**RE:** Additions to Defense Attorney List

**RECOMMENDATION:** Staff recommends approval of (5) attorney for inclusion on Defense Attorney List

T. Hunt Cole, Jr.  
Forman, Perry, Watkins, Krutz & Tardy  
Post Office Box 22608 \* Jackson, MS 39225

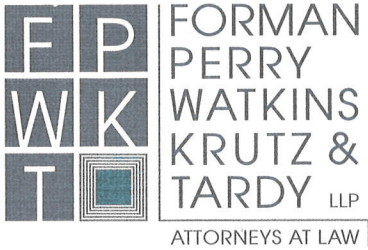
Rocky W. Eaton  
Tyner, Eaton & Fulce, PLLC  
Post Office Box 1646 \* Hattiesburg, MS 39403

Dawn E. Fulce  
Tyner, Eaton & Fulce, PLLC  
Post Office Box 1646 \* Hattiesburg, MS 39403

Robert Greenlee  
Whitfield Law Group, PLLC  
660 Lakeland East, Suite 200 \* Flowood, MS 39232

James G. House, III  
Forman, Perry, Watkins, Krutz & Tardy  
Post Office Box 22608 \* Jackson, MS 39225





**T. HUNT COLE, Jr.**  
coleh@fpwk.com  
Direct Dial: (601) 969-4288

City Centre, Suite 100  
200 South Lamar Street  
Jackson, Mississippi 39201-4099

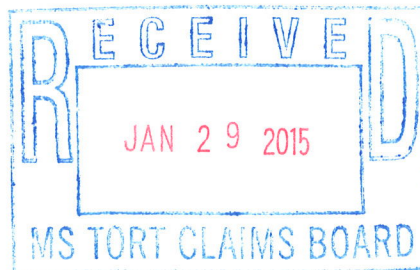
Post Office Box 22608  
Jackson, Mississippi 39225-2608

Telephone: 601.960.8600  
Main Facsimile: 601.960.8613  
Asbestos Facsimile: 601.960.3241

www.fpwkt.com

January 22, 2015

Hon. Bruce Donaldson  
Claims Manager  
Mississippi Torts Claims Board  
501 N. West Street  
Suite 301-C  
Jackson, MS 39201



**Re:** Request to be added to Approved Attorney Register

Dear Bruce:

Per our email communications, please accept this letter for presentation to the Board and as a request to be added to the Approved Attorney Register. I have attached a copy of my bio as it appears on our firm's website.

I have been in practice in Mississippi since January 1979, almost all of which has been dedicated to the defense of private businesses and corporations, political subdivisions, the State and State agencies, and also immune public employees, in a variety of tort, employment, civil rights, contract, product liability, and constitutional matters. From 1986 to 2003, I was a Special Assistant Attorney General in the Civil Litigation Division of the Attorney General's Office, and also served as Chief of Civil Litigation. In that capacity, I directly handled or assisted in the defense of tort claims against state agencies and immune officials, as well as the defense of Civil Rights Act suits under Section 1983.

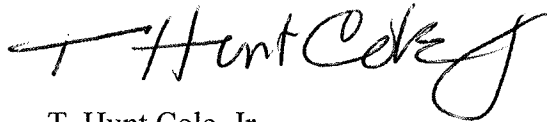
I have been with Forman Perry Watkins Krutz & Tardy in Jackson since October 2003, and I am a partner with the firm. I am rated "AV Preeminent" by Martindale-Hubbell.

Hon. Bruce Donaldson  
January 22, 2015  
Page 2

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Thank you for this opportunity to apply for inclusion on the Approved Attorney Register, and please let me know if you or the Board have any questions or if I can provide any further information.

With best personal regards,

A handwritten signature in black ink, reading "T. Hunt Cole, Jr." in a cursive style.

T. Hunt Cole, Jr.

THC:almw



City Centre, Suite 100  
200 South Lamar Street  
Jackson, Mississippi  
39201-4099

Phone: 601.969.4288  
Fax: 601.960.8613

Email: [coleh@fpwk.com](mailto:coleh@fpwk.com)



### Primary Office Location

Jackson, Mississippi

### Hometown

New Albany, Mississippi

### Education

University of Mississippi School of Law, J.D.  
University of North Carolina at Chapel Hill, A.B. English

### Bar Admissions

Mississippi, 1979  
U.S. District Courts for Northern and Southern Districts of Mississippi  
United States Supreme Court  
U.S. Court of Appeals for the Fifth Circuit

### Specific Areas of Practice/Main Focus

[Appellate](#)  
[Asbestos](#)  
[Personal Injury](#)  
[Product Liability](#)

### Organizations/Committees Membership

The Mississippi Bar

### Law School Honors & Awards

- Bowling Labor Law Award
- Phi Delta Phi
- American Jurisprudence Award - Federal Civil Procedure
- American Jurisprudence Award - Labor Law

### Previous Experience Relative To Current Practice

- Judicial Clerk to Chief Judge William C. Keady, U.S. District Court for the Northern District of Mississippi
- Judicial Clerk to U.S. District Judge William H. Barbour, Jr., U.S. District Court for the Southern District of Mississippi
- Special Assistant to the Attorney General of Mississippi, Chief of Civil Litigation Division

### Important Litigation Involvement

- Asbestos Defense, e.g. *Amchem Products, Inc. v. Rogers*, 912 So. 2d 853 (Miss. 2005); *Gorman-Rupp Co. v. Hall*, 908 So. 2d 749 (Miss. 2005); *Harold's Auto Parts, Inc. v. Magialardi*, 889 So. 2d 493 (Miss. 2004).
- Age discrimination defense, e.g. *Ervin v. Bank of Mississippi*, 512 F. Supp 545 (N.D. Miss. 1981)
- Construction law, e.g. *Evan Johnson & Sons v. State*, 877 So. 2d 360 (Miss. 2004)
- State Torts Claims Act defense, e.g. *Mallery v. Taylor*, 805 So. 2d 613 (Miss. App. 2002)
- Federal Civil Rights Act defense, e.g. *Enlow v. Tishomingo Co.*, 45 F.3d 885 (Miss. 1995)
- Federal constitutional law, e.g. *Barnes v. Moore*, 970 F.2d 12 (Miss. 1992)
- Campaign finance law, e.g. *Chamber of Commerce v. Moore*, 191 F. Supp. 2d 747 (S.D. Miss. 2000), rev'd, 288 F.3d 187 (5th Cir. 2002)
- Redistricting, e.g. *NAACP v. Fordice*, 252 F.3d 361 (5th Cir. 2001)
- Voter registration, *Mississippi Chapter Operation PUSH v. Mabius*, 932 F.2d 400 (5th Cir. 1991)
- Sovereign immunity, e.g. *Barry v. Fordice*, 8 F.3d 1 (5th Cir. 1993)
- Employment discrimination, e.g. *Thompson v. Mississippi State Personnel Board*, 674 F. Supp. 1245 (N.D. Miss. 1987)
- Legislative immunity, e.g. *Tuck v. Blackmon*, 798 So.2d 402

(Miss. 2001)

- State employment, e.g. *Hood v. Mississippi Dept. of Wildlife Conservation*, 571 So.2d 263 (Miss. 1990)
- State law separation of powers, e.g. *Kirksey v. Dye*, 564 So.2d 1333 (Miss. 1990)
- Subrogation, e.g. *Hare v. State*, 733 So.2d 277 (Miss. 1999)

**Teaching**

- Adjunct Professor, Mississippi College School of Law - Trial Practice Course



# TYNER, EATON & FULCE, PLLC

THOMAS W. TYNER  
DAWN E. FULCE  
ROCKY W. EATON (MS/AL/FL/GA/LA)

A PROFESSIONAL LIMITED LIABILITY COMPANY  
ATTORNEYS AND COUNSELORS AT LAW

P.O. Box 1646  
Hattiesburg, Mississippi 39403

626 CORINNE STREET  
HATTIESBURG, MISSISSIPPI 39401  
PHONE: (601) 336-6456  
Fax: (601) 602-4698

February 20, 2015

DFA Tort Claims Board  
Lea Ann McElroy, Administrator  
501 North West Street, Ste. 1301-C  
Jackson, MS 39201

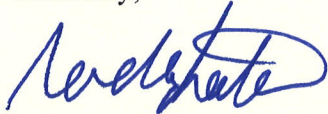
Dear Ms. McElroy:

I wish to be added to the Tort Claims Approved Attorney Register. I have more than 20 years experience and I am in good standing with the Mississippi Bar Association.

I have enclosed my resume.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,



Rocky W. Eaton

encl.



## **ROCKY W. EATON**

P.O. Box 1646  
Hattiesburg, Mississippi 39403  
(601) 336-6456  
[reaton@tef-law.com](mailto:reaton@tef-law.com)

### **EDUCATION**

**Mississippi College School of Law**, J.D., May, 1993  
**University of Southern Mississippi**, B.A., August, 1990

### **EXPERIENCE**

**Tyner, Eaton & Fulce, PLLC**, Hattiesburg, Mississippi, October, 2014-present  
I currently defend asbestos product liability cases. I also represent insureds pursuant to automobile and CGL insurance policies in personal injury actions.

**Aultman, Tyner & Ruffin, Ltd.**, Hattiesburg, Mississippi, September, 2003-September, 2014  
Defended asbestos product liability cases including experience in the Asbestos MDL in the Eastern District of Pennsylvania. Also represented insureds pursuant to automobile and CGL insurance policies in personal injury actions. Experience also included legal malpractice defense and subrogation cases on behalf of insurance companies.

**Rocky W. Eaton, P.C.**, Sumrall, Mississippi, June 2002-September 2003  
General Practice of Law

**Warhurst & Eaton**, Mobile, Alabama, September 1996-September 2003  
Gained experience in automobile personal injury actions for Plaintiffs and in representing homeowners for first party claims with their insurers.

**Crosby, Saad, Beebe & Crump**, Mobile, Alabama, November 1993-September 1996  
Gained experience in complex personal injury actions including cases against automobile manufacturers and railroads.

### **PROFESSIONAL ADMISSIONS**

Mississippi State Bar - 9/30/1993  
Alabama State Bar - 4/29/1994  
U.S. District Court, Middle District of Alabama - 5/24/1994  
U.S. District Court, Southern District of Alabama - 6/8/1994  
U.S. District Court, Northern District of Alabama - 6/10/1994  
Florida State Bar - 11/28/1994  
U.S. District Courts Southern District of Miss. - 4/13/1995  
U.S. District Courts, Northern District of Miss. - 4/17/1995

Georgia State Bar - 6/23/1995  
U.S. District Courts, Northern District of Georgia - 11/20/1995  
U.S. District Court, Eastern District of Pennsylvania - 4/1/2008 (approximate)  
Louisiana State Bar - 10/23/2008  
U.S. District Court, Eastern District of Louisiana - 6/2/2011  
U.S. District Court, Western District of Louisiana - 9/3/2014

## **REPORTED DECISIONS**

*Garcia v. Houston Wood Products, Inc.*, 2014 WL 2739330 (S.D. Miss. 2014); *Nationwide Prop. & Cas. Ins. Co. v. Albert Vaughan & Associates*, 2013 WL 3884039 (S.D. Miss. 2013); *Gordon v. Honeywell International, Inc.*, 962 So.2d 547 (Miss. 2007); *Dilsaver v. Roger's Foundation Repair Co., Inc.*, 866 So.2d 551 (Ala. Civ. App. 2002); *Ex parte L.S.B.*, 800 So.2d 574 (Ala. 2001); and *Calhoun v. Complete Health Care, Inc.*, 860 F.Supp. 1494 (S.D. Ala. 1994).

## **MISCELLANEOUS**

In 2013 I received an AV Overall Peer Rating in Toxic Torts, Products Liability and Litigation. See, <http://www.martindale.com/Rocky-Wayne-Eaton/31606-lawyer.htm?view=cr>

# TYNER, EATON & FULCE, PLLC

THOMAS W. TYNER  
DAWN E. FULCE  
ROCKY W. EATON (MS/AL/FL/GA/LA)

A PROFESSIONAL LIMITED LIABILITY COMPANY  
ATTORNEYS AND COUNSELORS AT LAW

P.O. Box 1646  
Hattiesburg, Mississippi 39403

626 CORINNE STREET  
HATTIESBURG, MISSISSIPPI 39401  
PHONE: (601) 336-6456  
FAX: (601) 602-4698

December 18, 2014

Ms. Lea Ann McElroy  
Administrator, Tort Claims Board  
Mississippi Dept. of Finance & Administration  
501 North West St., Ste. 1301-C  
Jackson, MS 39201

Re: Tort Claims Approved Attorney Register

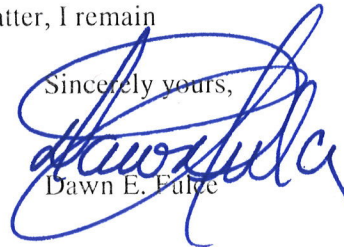
Dear Ms. McElroy:

I am writing to seek approval and placement on the Tort Claims Approved Attorney Register maintained by the Mississippi Department of Finance & Administration. As required for consideration, I am enclosing a copy of my Resume' which provides a detailed description of my prior legal experience. As you will note from my enclosed Resume', I have been practicing law since 1992 and have provided legal services in a variety of environments and courts within this state and others.

I am in good standing with the Mississippi Bar Association and this information can be verified by the Bar. If I need to provide a copy of my letter of good standing, please let me know.

Thanking you in advance for your attention to this matter, I remain

Sincerely yours,



Dawn E. Fulce

cc: file

# *DAWN E. FULCE*

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15 Ray Boone Road · Purvis, MS 39475 · (601) 270-0522 · [dawnfulce11@gmail.com](mailto:dawnfulce11@gmail.com)

## **EXPERIENCE**

### **Tyner, Eaton & Fulce, PLLC, P. O. Box 1646, Hattiesburg, MS 39403-1646**

*Partner, October, 2014 -- present*

- Draft pleadings, responses, amendments to pleadings, discovery, and motion matters.
- Trial of civil and administrative matters in both state and administrative court proceedings.
- Appear on behalf of diverse clients in both state and federal courts and before administrative agencies, including the Mississippi Worker's Compensation Commission, the Social Security Administration, the United States Bankruptcy Court and the Equal Employment Opportunity Commission.
- Take and defend depositions.
- Research and develop personnel policies and procedure to comply with federal and state regulations for multiple commercial enterprises.
- Confer with clients to discuss estate planning, the probate process and draft appropriate documents to accomplish plan for handling of their estates.
- Discuss with clients selection of appropriate legal entities in which to form their businesses and aid in preparation of paperwork necessary for accomplishing the same.
- Review and summarize medical records relating to claims pending in both federal and state courts in multiple jurisdictions.
- Assist clients with the development of personnel policies and procedures that comply with both federal and state regulations and have advised clients relating to their compliance with HIPAA confidentiality concerns and assisted in implementing HIPAA compliant guidelines within our firm regarding the confidentiality of personal information.
- Undertake to advise and represent individuals in domestic relations cases.

### **Aultman, Tyner & Ruffin, Ltd., Hattiesburg, MS**

*Associate, 2003- September, 2013*

- Draft pleadings, responses, amendments to pleadings, discovery, and motion matters.
- Drafted successful appellate brief in multi-million dollar asbestos personal injury litigation titled *Garlock Sealing Technologies, LLC v. Pittman*, 2010WL4009151.
- Appear on behalf of diverse clients in both state and federal courts and before administrative agencies, including the Mississippi Worker's Compensation

Commission, the Social Security Administration, the United States Bankruptcy Court and the Equal Employment Opportunity Commission.

- Take and defend depositions.
- Research and develop personnel policies and procedure to comply with federal and state regulations for multiple commercial enterprises.
- Confer with clients to discuss estate planning, the probate process and draft appropriate documents to accomplish plan for handling of their estates.
- Discuss with clients selection of appropriate legal entities in which to form their businesses and aid in preparation of paperwork necessary for accomplishing the same.
- Train secretarial, paralegal and newly hired attorneys on a variety of issues relating to the development of the skills needed to perform and excel at their respective tasks.
- Review and summarize medical records relating to claims pending in both federal and state courts in multiple jurisdictions.
- Assist clients with the development of personnel policies and procedures that comply with both federal and state regulations and have advised clients relating to their compliance with HIPAA confidentiality concerns and assisted in implementing HIPAA compliant guidelines within our firm regarding the confidentiality of personal information.
- Undertake to advise and represent individuals in domestic relations cases.

**Jude & Jude, PLLC, Hattiesburg, MS**

*Associate, 2002-Sept. 2003*

- Drafted pleadings, responses, amendments to pleadings, discovery, and motion matters.
- Served as liaison with national, state and local counsel in numerous jurisdictions on personal injury matters pending within those jurisdictions.
- Conferred with clients to develop trial strategy based upon the facts and circumstances surrounding pending litigation.
- Participated as lead counsel in taking and defending depositions.
- Reviewed and summarized medical records relating to claims pending in both federal and state courts in multiple jurisdictions.
- Worked closely with paralegal staff to assure that discovery issues were appropriately handled; that medical records were summarized and summaries were accurate, and that files were being properly prepared for hearings, depositions and for trial.

**Dawn E. Fulce, Ltd., Purvis, MS**

*Sole Practitioner. 1999-2002*

- Represented clients in civil litigation matters in state court, before the Social Security Administration and the United States Bankruptcy Court.
- Provided legal research and counsel for various financial institutions.



- Conducted property record searches and performed other real estate services for and on behalf of multiple financial institutions and individuals.
- Drafted pleadings, responses, amendments to pleadings, discovery and motions in various types of legal matters.
- Performed contract appellate brief writing for outside counsel on various matters.
- Provided legal services to individuals involved in domestic disputes.

**City of Sumrall, Mississippi—Public Defender**  
1999-2001.

**William J. Gamble, III, Purvis, MS**  
*Associate*, 1998

- Drafted pleadings, responses, amendments to pleadings, discovery and motions in various types of legal matters.
- Conducted property record searches and rendered legal opinions regarding results of said searches.
- Represented clients in civil litigation matters in both Chancery and Circuit court for the State of Mississippi.

**Mississippi Department of Human Services, Child Support Division, Hattiesburg, MS**  
*Staff Attorney*, Meridian and Hattiesburg Regional Offices, 1992-1998

- Represented diverse clients in legal actions involving the establishment of paternity and child support obligations, as well as the collection of delinquent child support obligations both within the state of Mississippi and with the aid of other state courts.
- Participated in inter-office policy development meetings and assist in the drafting of policies relating to improving client relations.
- Participated in meeting with Chancellors in assigned areas to aid in the development of methods designed to increase ability to process large volumes of cases through judicial system.

**EDUCATION**

**University of Mississippi School of Law, Oxford, Mississippi**  
Juris Doctor, 1992

Activities, Awards, and Honors:

- Vice Chairman Moot Court Board (1991-1992)
- Phi Alpha Delta Fraternity (1989-1992)
- Order of Barristers (1992-present)

**Mississippi University for Women, Columbus, Mississippi**  
Bachelor of Science, 1989

Activities, Awards, and Honors:

- Nu Epsilon Delta Honor Society (1986-1989)
- Who's Who Among Colleges and Universities (1989)

## PROFESSIONAL ASSOCIATIONS

U. S. Supreme Court, Admission 2006  
Fifth Circuit Court of Appeals, Admission 1992  
United States District Court, Northern, Admission 1992  
United States District Court, Southern, Admission 1992  
Mississippi Supreme Court, 1992  
Phi Alpha Delta Law Fraternity  
Southeast Mississippi Bar Association  
Women in the Law  
Order of Barristers  
Mississippi Bar Association (1992 -- present)  
--Family Law Section  
--Workmen's Compensation Section  
--Estate Planning Section

## OTHER ASSOCIATIONS

Legal Advisor, South MS Student Run Free Clinic (2014 -- present)  
Basketball Booster Club of Purvis, Purvis, MS (Vice President 2011-present)  
Member and Sunday School teacher, Good Hope Baptist Church, Purvis, MS (2008 - present)  
Vice President, Parent Division, Mississippi Boychoir (2007-2008)  
Constitutional Committee, First Baptist Church, Purvis, MS (2007)  
Lamar Christian School Booster Club, Purvis, MS (2007-2008)  
Member, Advisory Board, First National Bank, Purvis, MS (1999-2004)

## REFERENCES

**Julie Hawkins**, Hawkins Law Firm, Hattiesburg, MS, Ph: 601-583-2186.  
**R. Curtis Smith, III**, Curtis Smith, PLLC, Hattiesburg, MS, Ph: 601-602-3988.  
**Chadwick Shook**, Shook Law Firm, Hattiesburg, MS, Ph: 601-620-9919.  
**William Graham**, Hattiesburg, MS, Ph: 601-264-5247.



## WHITFIELD LAW GROUP, PLLC

660 Lakeland East, Suite 200  
Flowood, MS 39232  
601-863-8221/601-863-8231(fax)

March 2, 2015

The Mississippi Tort Claims Board  
501 North West Street, Suite 1301-C  
Jackson, Mississippi 39201

Re: Robert V. Greenlee  
MSB No. 100638

Members of the Mississippi Tort Claims Board:

I am a duly licensed attorney in the State of Mississippi, and I am in good standing with the Mississippi Bar. I have been a member of the bar for the past 12 years, and during that time I have successfully prosecuted and defended numerous civil actions in both state and federal court. I have also been involved in defense work, as I currently represent the University of Mississippi Medical Center in various federal and state cases, which include claims brought pursuant to the Mississippi Tort Claims Act.

Based on my experiences over the past 12 years, I believe I am qualified to be placed on the roll of attorneys authorized to defend Mississippi Tort Claims cases. Thank you for your consideration.

Sincerely,

Robert V. Greenlee

RVG:dm

# ROBERT V. GREENLEE

## ATTORNEY AT LAW

175 Commonwealth Avenue  
Brandon, Mississippi 39047  
(601) 606-7430  
[robertvgreenlee@yahoo.com](mailto:robertvgreenlee@yahoo.com)

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### BAR LICENSURES

Mississippi 2002 - Present  
Louisiana 2003 - Present

### EDUCATION

MISSISSIPPI COLLEGE SCHOOL OF LAW      Jackson, Mississippi      May 2002  
*Doctor of Jurisprudence, cum laude*  
GPA: 3.28      Class Rank: 23/115

- Member: Moot Court Board
- Recipient: Mississippi Bar Award - Business Law Section
- Recipient: American Jurisprudence Award for Counseling and Negotiation
- Recipient: Best Advocate Award; American Bar Association National Moot Court Competition
- Recipient: Scholarship for academic excellence during 1L and 2L academic years

UNIVERSITY OF LOUISIANA - MONROE      Monroe, Louisiana      December 1998  
*Bachelor of Arts*  
GPA: 3.01

- President's List
- Dean's List

### SUMMARY OF LEGAL EXPERIENCE

- Represent plaintiffs and defendants in state and federal court cases involving general negligence, medical malpractice, products liability, premises liability, civil asset forfeiture, qui tam, contract disputes, and Title VII.
- Personally obtained over \$8,000,000 in settlements. Contributed to cases which generated over \$20,000,000 in additional settlements.
- Represent small businesses and provide assistance with legal formation, business planning, drafting contracts and handling disputes. Serve as registered agent for service of process for several small businesses.
- Handle all aspects of civil litigation including case screening, pleading and motion practice, discovery, pre-trial practice, trial, and appeal.
- Conducted five jury trials and two bench trials.

- Published appellate decisions:
  - *Denbury Onshore, LLC v. Precision Welding, Inc.*, 98 So.3d 449 (Miss. 2012).
  - *Meadows v. Blake*, 36 So.3d 1225 (Miss. 2010).
  - *Harris v. Darby*, 17 So.3d 1076 (Miss. 2009).
- Completed the American Board of Trial Advocates (“ABOTA”) National Trial Academy in Reno, Nevada – April 2011.
- Provide oversight and mentor associate attorneys and legal staff.

## EMPLOYMENT HISTORY

- |   |                  |
|---|------------------|
| ▪ ROBERT V. GREENLEE, ATTORNEY AT LAW, P.A.<br>Brandon, Mississippi         | 1/2014 - PRESENT |
| ➤ Of Counsel to Whitfield Law Group, PLLC<br>Flowood, Mississippi           | 2/2015 – PRESENT |
| ➤ Of Counsel to Kitchens Hardwick & Whitfield, PLLC<br>Brandon, Mississippi | 1/2014 – 1/2015  |
| ▪ SESSUMS, DALLAS & MORRISON<br>Ridgeland, Mississippi                      | 9/2009 - 3/2013  |
| ▪ LANGSTON & LANGSTON<br>Jackson, Mississippi                               | 11/2006 - 9/2009 |
| ▪ FORMAN PERRY WATKINS KRUTZ & TARDY<br>Jackson, Mississippi                | 2/2003 - 11/2006 |
| ▪ RAMSAY & HAMMOND<br>Hattiesburg, Mississippi                              | 8/2002 - 2/2003  |

## PROFESSIONAL MEMBERSHIP

- Mississippi Bar Association
- Louisiana Bar Association
- Mississippi Association For Justice
  - Board of Governors 2009
- American Association For Justice





JAMES G. HOUSE, III\*  
PARTNER  
housejg@fpwk.com  
Direct Dial: (601) 960-3184

\*Also Admitted in Alabama and Tennessee

City Centre, Suite 100  
200 South Lamar Street  
Jackson, Mississippi 39201-4099

Post Office Box 22608  
Jackson, Mississippi 39225-2608

Telephone: 601.960.8600  
Main Facsimile: 601.960.8613  
Asbestos Facsimile: 601.960.3241

www.fpwkt.com

January 26, 2015

Honorable Bruce Donaldson  
Claims Manager, Mississippi Torts Claim Board  
501 North West Street, Suite 301-C  
Jackson, MS 39201

Re: Request to be added to Approved Attorney Register

Dr. Mr. Donaldson:

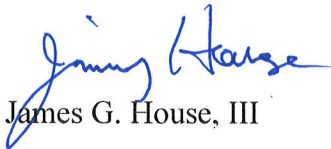
I have recently talked with my partner, Hunt Cole, regarding his conversations with you about the Approved Attorney Register for the Mississippi Torts Claim Board. I understand that Hunt Cole has forwarded you a letter for presentation to the Board as a request that he be added to the Approved Attorney Register. I would, as well, like to be considered for the Approved Attorney Register. Please accept this letter for presentation to the Board as my request to be added to the Approved Attorney Register for the Mississippi Torts Claim Board. I have attached a copy of my biography as it appears on our firm's website.

I have been in practice in Mississippi since September, 2003, almost all of which has been dedicated to defense of private businesses and corporations, in a variety of torts, contract, product liability, and worker's compensation matters. From 1992 to 1993, I was a law clerk for Honorable Michael Sullivan with the Supreme Court of Mississippi. From 1993 to 2003, I was in private practice in Mobile, Alabama, where I was an assistant city attorney for the city of Mobile, Alabama, and, as well, represented the Mobile Housing Board and Mobile Area Water and Sewer System. In my capacity as an assistant city attorney, I handled or assisted in the defense of tort claims against the city of Mobile, which included defense of claims brought pursuant to 42 U.S.C. §1983. My work with and for the Mobile Housing Board and Mobile Area Water and Sewer System included employment related claims and matters, eminent domain actions, hearings and proceedings before the Mobile Personnel Board and defense of other various tort claims against these municipal entities.

I have been in practice with Forman Perry Watkins Krutz & Tardy, LLP in Jackson since September, 2003. I am a partner with the firm. I am rated "AV Preeminent" by Martindale-Hubbell. As well, I am listed in Chambers U.S.A. as "Best Lawyers in America."

Thank you very much for this opportunity to apply for inclusion on the Approved Attorney Register for the Mississippi Torts Claim Board. Please let me know if you or the Board have any questions that I can address or if any additional information is requested.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jimmy House", is written over the printed name "James G. House, III".

James G. House, III

Enclosure  
JGHIII/tmp

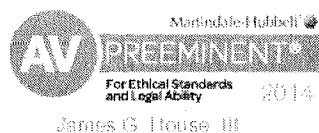


JAMES G. HOUSE, III Partner

City Centre, Suite 100  
200 South Lamar Street  
Jackson, Mississippi  
39201-4099

Phone: 601.960.3184  
Fax: 601.960.8613

Email: [housejg@fpwk.com](mailto:housejg@fpwk.com)



#### Primary Office Location

Jackson, Mississippi

#### Hometown

Mobile, Alabama

#### Education

University of Alabama School of Law, J.D.  
Millsaps College, B.A. (Phi Beta Kappa)

#### Bar Admissions

Alabama, 1993  
Mississippi, 1993  
Tennessee, 2011

#### Specific Areas of Practice/Main Focus

Premises Liability  
Personal Injury  
Product Liability  
Toxic Tort  
Workers' Compensation  
General Liability

#### Law School Honors & Awards

- Law and Psychology Review, Senior Editor
- Moot Court

#### Previous Experience Relative To Current Practice

- Judicial Clerk to the Honorable Michael Sullivan, Mississippi Supreme Court

#### Prior Experience

- Deputy City Attorney - City of Mobile, Alabama
- Civil litigation in defense of and civil litigation in furtherance of eminent domain actions commenced by the Mobile Area Water and Sewer Service, Mobile Housing Board and Mobile County, Alabama

#### Important Litigation Involvement

- Licensed in Alabama, Mississippi and Tennessee and actively practicing in each state.
- Currently serving as lead defense counsel in multiple personal injury, property damage and business interruption lawsuits filed in Mississippi against a contractor alleged to have caused a gas leak and subsequent explosion of an occupied building.
- Currently serving as lead defense counsel in multiple lawsuits filed in Mississippi against a pipeline owner/operator for real and personal property damages allegedly caused by a pipeline rupture and ignition of liquid propane gas.
- Defended a pipeline owner in an Alabama wrongful death action, and successfully tendered defense and indemnity to co-defendant, where it was alleged liquid propane gas transported by the pipeline owner had not been properly odorized before sale and delivery for residential use.
- Local counsel for multiple Mississippi and Alabama supply houses and distributors alleged to have sold or supplied third-party manufactured products and materials which contained asbestos.
- Successfully obtained summary judgment for an automobile parts manufacturer in an Alabama wrongful death action, allegedly due to asbestos exposure.
- Successfully obtained multiple summary judgments for equipment manufacturers, in Alabama and Mississippi state and federal asbestos litigation.
- Currently serving as local and regional counsel defending several equipment and product manufacturers in state and federal asbestos litigation.

- Currently defending multiple workers' compensation actions pending before the Mississippi Workers' Compensation Commission and in Alabama state circuit courts.
- Tried to judgment multiple Alabama worker's compensation actions.
- Defended multi-national moving equipment and storage rental company in products liability action where a passenger in a single vehicle crash sustained significant third degree burns. Successful in *Daubert* challenge of the Plaintiff's expert, whereby Plaintiff's expert opinions were excluded in totality. Summary judgment was granted as to all of Plaintiff's claims.
- Successfully defended false arrest claim made against an independent dealer for multi-national moving equipment and self-storage rental company and obtained defense summary judgment.
- Successfully defended and obtained defense judgment on the pleadings based on lack of proximate cause in negligence action against multi-national moving and self-storage rental company.
- Defended multi-national moving equipment and storage company in automobile accident, premises liability, and property loss lawsuits.
- Served as lead trial counsel and prosecuted multiple eminent domain actions in Alabama state circuit court on behalf of county and other governmental agencies.
- Served as lead trial counsel and tried to defense verdict multiple flood damage lawsuits filed against an Alabama municipality alleged to have improperly designed and maintained its storm water drainage system.
- Obtained summary judgment for an Alabama municipality in multiple 42 U.S.C. § 1983 actions where conduct of law enforcement personnel was alleged to have constituted excessive force.

#### **Professional Accomplishments**

- Martindale-Hubbell® Preeminent AV™ Peer Review Rated
- Jackson Legal Professional Association Boss of the Year 2013
- *The Best Lawyers in America*®: Mass Tort Litigation/Class Actions – Defendants



STATE OF MISSISSIPPI  
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD  
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
LYNN FITCH, Treasurer  
Department of Treasury  
JIM HOOD, Attorney General  
Office of Attorney General

GARY RIKARD, Executive Director  
Department of Environmental Quality  
ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

MEMORANDUM

**TO:** Mississippi Tort Claims Board  
**FROM:** Lea Ann McElroy  
**DATE:** March 19, 2015  
**RE:** Political Subdivisions – Certificates of Coverage

**RECOMMENDATION:** Staff recommends approval of 57 political subdivisions shown on attached list.

# **MISSISSIPPI TORT CLAIMS BOARD**

Thursday, March 19, 2015

Political Subdivisions Recommended for Renewal of Certificate of Coverage

AAA Ambulance Service  
Alcorn County Fire Services  
Belden VFD  
Calhoun County Board of Supervisors  
Choctaw County Board of Supervisors  
Choctaw Regional Medical Center  
City of Clarksdale  
Corinth-Alcorn Airport  
Diamondhead Water & Sewer  
Fulton City Clerk  
George County Board of Supervisors  
Harrison County  
Indianola City Clerk  
Issaquena County Board of Supervisors  
Issaquena County Soil & Water Conservation District  
Itawamba Community College  
Jackson County Port Authority  
Jackson Public School District  
Kiln Utility & Fire Protection  
Lamar County Board of Supervisors  
Lamar County School District  
Lewisburg VFD  
Love Volunteer Fire Department  
LSR VFD  
Macon City Clerk  
Magnolia Regional Health Center  
Marion County Board of Supervisors  
Mars Hill VFD  
Mississippi Housing Authorities Risk Management, Inc.  
Moss Point School District  
Oak Vale VFD  
Oktibbeha County Hospital  
Panola County FFA  
Pearl River Community College  
Pearl River County Board of Supervisors  
Prentiss County Board of Supervisors



Sharkey County Board of Supervisors  
Sharkey County Sheriff Department  
Sharkey-Issaquena Library Association  
Simpson County Board of Supervisors  
Simpson County Sheriff Department  
Smith County Board of Supervisors  
South Madison County Fire Protection District  
South Sunflower County Hospital  
Southwest Mississippi Regional Medical Center  
Starkville-Oktibbeha County Public Library  
Taylorsville City Clerk  
Town of Bassfield VFD  
Tunica County Board of Supervisors  
Tupelo City Clerk  
Walthall County Board of Supervisors  
Warren County Board of Supervisors  
Waynesboro City Clerk  
West Covington VFD  
West Hancock Fire Protection  
West Madison Utility District  
Yalobusha County Board of Supervisors

**TOTAL 57**



**MASIT**  
**Mississippi Association of Supervisors**  
**Insurance Trust**

**MEMORANDUM**

To: Ryan Beckett, Chairman, Mississippi Tort Claims Board ("Board")

From: Leslie Scott, Administrator, Mississippi Association of Supervisors Insurance Trust  
("MASIT")

Re: Request for Approval of Casualty Reinsurance Provider Change

Date: March 18, 2015

MASIT was formed in early 2014, as a self-funded provider of property and casualty insurance and risk management services to Mississippi counties. MASIT began offering coverage to counties on April 1, 2014. In its first year of operation, MASIT has secured the membership of thirty-three (33) Mississippi counties. It is currently quoting those members for April 1, 2015 renewal and to date, all of the current members have renewed with some ten (10) members scheduled to vote between now and March 31, 2014.

At the time of its formation and when the program was approved by the Board, MASIT was provided casualty reinsurance by The Brit Company ("Brit"), an affiliate of Lloyd's of London. That coverage expires on April 1, 2015. In advance of the expiration of this coverage, MASIT marketed its reinsurance and obtained a quote for its casualty reinsurance from County Reinsurance, Limited ("CRL"). The quote from CRL is substantially lower in price than the original or later revised quote provided by Brit and offers some important advantages in coverage. There are differences in the two quotes, however, with the CRL quote not including an excess aggregate policy that provides emergency loss fund protection at a certain attachment point.

After a great deal of analysis and study, including obtaining an up to date actuarial analysis of MASIT's 2015-2016 projected loss fund needs, MASIT's Board of Trustees met and unanimously voted to accept the lower CRL quote, contingent upon this Board's approval of the change.

MASIT requests the Board's approval of the change of its casualty reinsurance to CRL beginning with the April 1, 2015-March 31, 2016 policy year. Below is an analysis of the important factors leading the MASIT Board to determine that the advantages of the CRL quote significantly outweigh those offered by Brit.

**Pricing:**

CRL quoted MASIT an annual casualty reinsurance premium of \$462,389. In addition, since CRL is a member owned nonprofit organization, MASIT is required to purchase an equity interest in CRL upon joining in the one-time amount of \$184,956. The best Brit annual reinsurance premium quoted to MASIT is \$1,700,000. That is a difference in premium of \$1,237,611 in the 2015-2016 policy year.

Due to time restraints, MASIT's April 1, 2015 renewal quote proposals to its thirty-three members used Brit's pre-marketing quote amount, which, when combined with MASIT's property reinsurance costs, constituted some thirty-two percent (32%) of the premiums charged for the upcoming 2015-2016 policy year. If the Board approves MASIT's change to CRL as its casualty reinsurer, its overall reinsurance costs will be decreased to constitute some seventeen percent (17%) of its members' total premiums. This is an almost fifty percent (50%) reduction in total MASIT reinsurance costs.

At present, with only one exception, the MASIT members with renewal quotes outstanding are not marketing their property and casualty insurance this year and MASIT will be the only quote presented. Therefore, it is highly likely that MASIT will renew all thirty-three of its members from the 2013-2014 policy year and that these additional casualty reinsurance amounts will be realized. If the change is approved by the Board, MASIT's Board has indicated its plan to place the savings into its loss fund to build surplus and continue to grow the program's assets.

**Excess Aggregate Policy:**

While the Brit casualty reinsurance quote includes a \$2,000,000 excess aggregate policy that affords loss fund protection, MASIT will be paying for it to the tune of over \$1,200,000. MASIT's actuary, recently retained to perform an actuarial projection of the program's loss fund needs for the upcoming year, projects at a 95% confidence level that MASIT will need a loss fund in the amount of \$4,780,000 for the upcoming policy year.

Willis performed a financial analysis for MASIT based on the actuary's projection and concluded that if MASIT's acceptance of the CRL quote is approved by this Board, it will have a net underwriting profit for 2014-2015 in the amount of \$563,094 at the 95% confidence level. At the expected loss level established by the MASIT actuary, payment of the quoted CRL premium would result in a net underwriting profit of \$1,798,004. If MASIT had chosen to accept the latest Brit quote, it would have to rely on the excess aggregate policy protection to pay approximately \$1,050,000 in order to fully fund to the 95% confidence level. (In its latest quote, Brit also offered to reduce its attachment point for the excess aggregate policy by some \$650,000).

MASIT's Board does not wish to be forced to rely on an insurance policy to meet its projected loss fund needs. First, it wants to properly fund in premium its loss fund in accordance with updated actuarial certainty. It is readily understood that if MASIT ever had to call upon the excess aggregate policy to meet its obligations to its members, the policy would not be available in future years or, if it was, it would cost much more to secure. MASIT prefers to fund its losses in premium

and then build surplus that is generated this year and in the future by the savings derived from joining CRL.

**Coverage Improvements:**

If MASIT's acceptance of the CRL reinsurance quote is approved by this Board, CRL will allow MASIT members to take advantage of its broader casualty coverage options. Primarily, these consist of increased limits of liability under the POL and LEL coverages. At present, MASIT members enjoy a \$1,000,000 annual aggregate limit of liability on their POL and LEL coverages. That will be doubled under a CRL reinsurance program and MASIT members will have available to them \$2,000,000 in aggregate liability coverage each year in these very litigious areas of legal liability.

**County Specialization:**

CRL is a nonprofit organization that purchases reinsurance for county self-funded insurance programs and no other entities. It is owned by the county programs that are its members. It was formed in 1997 for and by county governments to offer county insurance programs affordable reinsurance purchased in bulk for counties.

MASIT's ownership interest in CRL, if it accepts the CRL quote, is an asset of MASIT and MASIT would have a vote in all CRL decisions and, therefore, a voice with regard to its reinsurance now and in future years so long as it remains a CRL member. Ultimately, MASIT could have a seat on the Board of CRL. These are all matters that have a strong appeal to MASIT as CRL mirrors MASIT's own organization and purposes. It is about helping county governments save money and helping counties purchase affordable insurance that is second to none.

Brit is a very fine company and MASIT's reinsurance was well-placed with Brit. But as MASIT has grown in its first year, and may continue to grow in year two as it quotes those members not joining this past year, MASIT believes its future is better secured by purchasing its reinsurance needs from CRL.

**Conclusion:**

MASIT believes that for all of the above reasons, not insignificantly the savings of over \$1,200,000 in reinsurance costs, it wants to make the change to CRL and hopes the Board will favorably consider its request to approve this change.



**MASIT**  
**Mississippi Association of Supervisors**  
**Insurance Trust**

February 17, 2015

Lea Ann McElroy, Executive Director  
Mississippi Tort Claims Board  
Post Office Box 267  
Jackson, Mississippi 39205

Re: MASIT Proposed TPA Change

Dear Lea Ann:

This confirms a telephone conversation you and I had yesterday in which I advised you on behalf of the Mississippi Tort Claims Board ("Board") that the Mississippi Association of Supervisors Insurance Trust ("MASIT") has changed its third party administrator ("TPA") effective April 1, 2015, contingent upon the approval of the Department of Insurance pursuant to Miss. Code Ann. Section 19-7-7 (1972).

As we discussed, the proposed new TPA, Cannon, Cochran Management Services, Inc. ("CCMSI"), has offered MASIT some pricing concessions with regard to property damage claims which MASIT's claims history reveals to be the most common claims by a large margin. Though the CCMSI fee schedule being proposed increases fees for adjusting bodily injury claims (an area requiring certain expertise), MASIT expects that with these types of claims being far less common, the increase will be more than offset by the significant decrease in CCMSI's fees for handling the numerous property damage claims MASIT experiences.

I have also attached the letter and attachments I sent yesterday to Commissioner Chaney pursuant to Miss. Code Ann. Section 19-7-7 so you can see the pertinent financials and contract terms being proposed by CCMSI.

If you or the Board have any questions, please let me know.

Sincerely,

Leslie Scott

MASIT Administrator

Enclosures (3)





**MASIT**  
**Mississippi Association of Supervisors**  
**Insurance Trust**

February 16, 2015

Honorable Mike Chaney  
Commissioner of Insurance  
State of Mississippi  
Post Office Box 79  
Jackson, Mississippi 39205-0079

Dear Commissioner Chaney:

Pursuant to Miss. Code Ann. Section 19-7-7 (1972), the Mississippi Department of Insurance ("Department") approved the third party administrator ("TPA") for the Mississippi Association of Supervisors Insurance Trust ("MASIT") on February 7, 2014. At this time, MASIT is submitting to the Department for its consideration a new TPA to administer the claims for MASIT effective April 1, 2015, contingent upon the Department's approval.

In conformity with the process that was followed in 2014, we are submitting the following information to the Department for its use in reviewing this submission:

- The TPA we are proposing to use is Cannon Cochran Management Services, Inc. ("CCMSI");
- Attached are the 2013-2014 financials of CCMSI; and
- Attached is the draft Service Agreement between MASIT and CCMSI.

MASIT is aware that CCMSI is the TPA for the State of Mississippi Tort Claims Board and has a large claims office located in Jackson, Mississippi. MASIT, a Mississippi entity, finds these factors to be important both as to the expected service quality to be provided and the significant contribution to the local economy made by CCMSI. CCMSI has a demonstrated expertise in Mississippi tort claim law since it has been chosen by the Tort Claims Board to handle Mississippi claims. Also, its local office contributes to the local economy, something MASIT values since it too is a local entity.



We hope the Department will let us know immediately if we can provide any additional information about CCMSI or if there are any questions about the TPA services in question.

Sincerely,

A handwritten signature in black ink, appearing to read "Leslie Scott", with a large, sweeping initial "L" and a stylized "S".

Leslie Scott

MASIT Administrator

Enclosures

cc: Honorable Mark Haire

**SERVICE AGREEMENT BETWEEN  
MISSISSIPPI ASSOCIATION OF SUPERVISORS INSURANCE TRUST AND  
CANNON COCHRAN MANAGEMENT SERVICES, INC.**

**THIS SERVICE AGREEMENT** is made and entered into this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by and between **MISSISSIPPI ASSOCIATION OF SUPERVISORS INSURANCE TRUST** (the "Client"), an authorized self-insured entity, and **Cannon Cochran Management Services, Inc. ("CCMSI")**, a Delaware corporation. It is agreed between the parties hereto as follows:

**A. APPOINTMENT OF CCMSI.** The Client hereby appoints CCMSI, and CCMSI hereby agrees to serve, as Third Party Administrator ("Administrator") of the Client's self-insurance program created and existing under the State of Mississippi ("State") Self-Insurance Regulations.

**B. FUNCTIONS OF CCMSI.** During the term of this Agreement, the regular functions of CCMSI as the Client's Administrator shall include the following:

1. Claim Administration.

- (a) Claim Management and Administration. In compliance with its Best Practices, CCMSI will manage and administer all claims of the Client that occur during the period of this Agreement. All claim payments shall be made with Client funds. CCMSI will act on behalf of Client in handling, monitoring, investigating, overseeing and adjusting all such actual and alleged claims.
- (b) Claim Settlement. CCMSI will settle claims of the Client with Client funds in accordance with reasonable limits and guidelines established with the Client.
- (c) Claim Reserves. CCMSI will recommend reserves for unpaid reported claims and unpaid claim expenses.
- (d) Allocated Claim Expenses. CCMSI will pay all Allocated Claim Expenses with Client Funds. Allocated Claim Expenses are charges for services provided in connection with specific claims by persons or firms which are eligible claim expenses under the Client's program. Notwithstanding the foregoing, Allocated Claim Expenses will include all expenses incurred in connection with the investigation, adjustment, settlement or defense of Client claims, even if such expenses are incurred by CCMSI. Allocated Claim Expenses will include, but not be limited to, charges for:
  - 1) Independent medical examinations of claimants;
  - 2) Managed care expenses, which include the services provided by comp mc™, CCMSI's proprietary managed care program. Examples of managed care expenses includes but is not limited to state fee schedule, PPO net works, utilization review, nurse case management, medical bill audits and medical bill review;

- 3) Fraud detection expenses, such as surveillance, which include the services provided by *FIRE*, CCMSI's proprietary Special Investigation Unit (SIU), and other related expenses associated with the detection, reporting and prosecution of fraudulent claims, including legal fees;
  - 4) Attorneys, experts and special process servers;
  - 5) Court costs, fees, interest and expenses;
  - 6) Depositions, court reporters and recorded statements;
  - 7) Independent adjusters and appraisers;
  - 8) Index bureau and OFAC (Office of Foreign Assets Control) charges;
  - 9) MMSEA/SCHIP compliance charges;
  - 10) Electronic Data Interchanges, EDI, charges if required by State law;
  - 11) CCMSI personnel, at their customary rate or charge, but only with respect to claims outside the State and only if such customary rate is communicated to the Client prior to incurring such cost;
  - 12) Actual reasonable expenses incurred by CCMSI employees outside the State for meals, travel, and lodging in conjunction with claim management;
  - 13) Police, weather and fire report charges that are related to claims being administered under Client's program;
  - 14) Charges associated with accident reconstruction, cause and origin investigations, etc.;
  - 15) Charges for medical records, personnel documents, and other documents necessary for adjudication of claims under Client's program;
  - 16) Charges associated with Medicare Set-Aside Allocations; and
  - 17) Other expenses normally recognized as ALAE by industry standards.
- (e) Subrogation. CCMSI will monitor claims for subrogation
- (f) Provision of Reports. CCMSI agrees to provide reports to the Client as specified in the Schedule of Reports attached hereto as Exhibit A.
2. Risk Management Services. CCMSI will provide the Client with additional Risk Management Services not contemplated in the Agreement upon mutual agreement of the parties. The Schedule of additional Risk Management Services to be provided is attached hereto as Exhibit B.

3. Loss Control Services. CCMSI will provide the Client loss control services upon mutual agreement of the parties. The client shall remain fully responsible for the implementation and operation of its own safety programs and for the detection and elimination of any unsafe conditions or practices.

CCMSI assumes no responsibility for the detection, identification, communication, mitigation, or elimination of any unsafe condition or practice associated with the safety program of any client. Further, CCMSI assumes no responsibility for any injury sustained by an employee of the client. The Schedule of Loss Control Services to be provided is attached hereto as Exhibit C.

4. Managed Care Services. CCMSI will provide the Client with managed care services (comp mc™) upon mutual agreement of the parties. The Schedule of Managed Care Services to be provided is attached hereto as Exhibit D.

**C. CLIENT RESPONSIBILITIES.** Client agrees to:

1. Report all claims, incidents, reports or correspondence relating to potential claims in a timely manner.
2. Reasonably cooperate in the disposition of all claims.
3. Provide adequate funds to pay all claims and expenses in a timely manner.
4. Respond to reasonable information requests in a timely manner.
5. Provide a complete copy of current excess or other insurance policies, including endorsements and audits, applicable to Client's self-insurance program.
6. Pay any fees or costs charged by any carrier or prior TPA of Client for the conversion of data associated with CCMSI handling run off claims for Client, or for the general transfer of data to CCMSI's operating systems.
7. Promptly pay CCMSI's fees.

**D. OPERATING EXPENSES.** The Client agrees to be responsible for and pay all of its own operating expenses other than service obligations of CCMSI. Such operating expenses shall include but not be limited to charges for the following:

1. All costs associated with Client meeting its State security and licensing requirements;
2. Certified Public Accountants
3. Attorneys, other than provided for in Section B.1. (d) 3) and B.1. (d) 4) of this Agreement;
4. Outside consultants, actuarial services or studies and State audits;

5. Independent payroll audits;
6. Allocated Claims Expenses incurred pursuant to Section B. 1. (d) of this Agreement;
7. All applicable regulatory fees and taxes;
8. Educational and/or promotional material, industry-specific loss control material, customized forms and/or stationery, supplies and extraordinary postage, such as bulk mailing, express mail or messenger service.
9. National Council on Compensation Insurance, NCCI, charges;
10. Excess and other insurance premiums;
11. Costs associated with the development, record keeping and filing of fraud statistics and plans, but only if required by any State or regulatory authority having jurisdiction over Client;
12. Other operating costs as normally incurred by the Client.

**E. BOOKS AND RECORDS.**

1. (a) CCMSI shall maintain all claim information relating specifically to the Client which is necessary to the performance of CCMSI's obligations under this Agreement (the "Records"). The Records shall remain at all times the sole property of the Client.  
  
(b) The Records shall not include any manuals, forms, files and reports, documents, customer lists, rights to solicit renewals, computer records and tapes, financial and strategic data, or information which documents CCMSI's processes, procedures and methods, or which CCMSI employs to administer programs other than the Client. The items specified in this Paragraph E. 1. (b) shall at all times be and remain the sole and exclusive property of CCMSI, and the Client shall not have any ownership, interest, right to duplicate or right to utilize these items except for the above documentation or information that relates solely to Client's Program.
2. During the term of this Agreement, CCMSI shall provide the Client with copies of the Records, if so requested by the Client. Any reasonable costs of reproduction of the Records shall be borne by the Client.
3. CCMSI shall make the Records available for inspection by any duly authorized representative of the Client, or any governmental or regulatory authority having jurisdiction over CCMSI or the Client.

- F. NON-SOLICITATION OF EMPLOYEES.** During the term of the Agreement and for two (2) years thereafter, the Client and CCMSI mutually agree not to recruit, solicit or hire any employee of the other without written permission.

**G. OTHER INSURANCE.** If CCMSI places any specific or aggregate excess insurance, reinsurance, or other insurance product associated with this Agreement, then customary commissions and fees will be retained by CCMSI.

**H. TERM AND TERMINATION.**

1. Term of Agreement. The first term of this Agreement shall be for three (3) years beginning on April 1, 2015, and terminating on March 31, 2018. Unless the Agreement is terminated as set forth in paragraph H. 2., it will automatically renew for successive three (3) year terms. At least ninety (90) days prior to the expiration of each three (3) year term of this Agreement, the parties shall enter into good-faith negotiations regarding any proposed change in Agreement terms or fees. If there are no changes requested by either party, then the Agreement will automatically renew under the same terms and fee arrangement as the prior term.
2. Termination of Agreement. This Agreement may be terminated:
  - (a) By mutual agreement of the parties hereto;
  - (b) Upon expiration of the current term of this Agreement if either party has given the other at least ninety (90) days written notice of its intention to terminate as set forth in paragraph H. 1.;
  - (c) Upon dissolution of the Client's self-insurance program whether voluntary or due to cessation of Client's authority to self-insure;
  - (d) Upon dissolution of the Client's self-insurance program due to Client insolvency or bankruptcy;
  - (e) Upon ninety (90) days written notice by either party if the other party is in material breach of any term, covenant or condition contained herein; provided, however, that as a condition precedent to termination under this Section H. 2. (e), the terminating party shall give written notice to the other party, who shall have sixty (60) days from the date of such notice to cure or correct the grounds for termination. If the grounds of termination are not corrected or cured during the sixty (60) day period, this Agreement may be terminated on the termination date specified in the notice, but not prior to the expiration of the ninety (90) day period described herein.
3. Services Following Termination of Agreement. Should this Agreement be terminated or non-renewed for any reason, CCMSI will cease providing services, turn over to the Client all Client files in CCMSI's possession, which shall include all open and closed files.

Upon the Client's request and subject to agreement by CCMSI, CCMSI will be paid a reasonable negotiated fee to:

- (a) Provide for continued administration of the open claim files;



- (b) Cooperate with any successor administrator in the orderly transfer of all functions, including providing a runoff listing of open claim files if desired by the Client and any other records reasonable and necessary for a successor administrator; and
  - (c) Provide an electronic transfer of data if such is feasible, with the cost of providing such borne by the Client. The electronic transfer of data will be subject to a flat fee of \$2,500.
- I. **SERVICE FEE PAYMENTS.** The Client shall pay to CCMSI a service fee as outlined in the Fee and Payment Schedule attached hereto as Exhibit E.
- J. **ARBITRATION.** If an irreconcilable difference of opinion or claim should arise between the Client and CCMSI as the interpreters of any matter relating to this Agreement, such matter will be submitted to mediation or arbitration as the sole remedy available to both parties. Any such mediation or arbitration will take place in the City of Jackson, MS and will be conducted in accordance with the then-current rules of the American Arbitration Association.
- K. **RELATIONSHIP OF PARTIES.** With respect to the services provided by CCMSI in this Agreement, CCMSI is considered an independent contractor. Nothing in this Agreement shall be construed to create a relationship of employer/employee, partners or joint ventures between the Client and CCMSI. This Agreement is non-exclusive, and CCMSI shall have the right to perform services on behalf of other individuals, firms, corporations and entities.
- L. **INDEMNIFICATION.**
  - 1. **Indemnification by Client.** The Client agrees that it will indemnify and hold harmless CCMSI and CCMSI's directors, officers, employees, agents, shareholders, subsidiaries and other affiliates from and against any and all claims, losses, liability, costs, damages and reasonable attorney's fees incurred by CCMSI as a result of breach of this Agreement by the Client, or alleged misconduct, error or omissions by the Client, or by any of the Client's trustees, directors, officers, employees, agents, shareholders, subsidiaries, or other affiliates in connection with the performance of this Agreement.
  - 2. **Indemnification by CCMSI.** CCMSI agrees that it will indemnify and hold harmless the Client and the Client's trustees, directors, officers, employees, agents, shareholders, subsidiaries, members, or other affiliates from and against any and all claims, losses, liability, costs, damages and reasonable attorney's fees incurred by the Client as the result of breach of this Agreement by CCMSI or alleged misconduct, error or omissions by CCMSI, or by any of CCMSI's directors, officers, employees, agents, shareholders, subsidiaries or other affiliates in connection with the performance of this Agreement.
- M. **CHANGE IN CIRCUMSTANCES.** In the event the adoption of any statute, rule or regulation materially changes the nature of the relationship between the parties hereto or the legal or economic premises upon which this Agreement is based, the parties hereto shall undertake good faith negotiations to amend the terms of this Agreement to account for such changes in a reasonable manner.

**N. SOFTWARE ACCESS.** The Client may be provided with the right to use one or more CCMSI Applications in connection with the services provided by CCMSI in this Agreement. CCMSI Applications include iCE, MyReports, Loss Control ASAP, Loss Control Resources and iCEBAR. The right to use CCMSI Applications is non-exclusive, limited to the term of this Agreement per paragraph H.1., non-transferable and is solely for the internal business use of Client.

CCMSI owns and reserves all rights, title, and interest in and to the CCMSI Applications. Client has no right to receive a copy of the object code or source code to the CCMSI Applications. Client may not attempt to:

1. License, sell, lease or otherwise make the CCMSI Applications available to any other party. Client will not provide any access, passwords or other information regarding the CCMSI Applications to any third parties and/or competitors of CCMSI without the prior written consent of CCMSI;
2. Use the CCMSI Applications in any way that violates any law, regulation or mandate, or the term of this Agreement; or
3. Take any action that jeopardizes confidential or proprietary information held by CCMSI.

Client is responsible for any confidential or proprietary information accessed or downloaded by Client from the CCMSI Applications, including the implementation of appropriate information security controls surrounding such information.

Except as expressly provided in this Agreement, CCMSI Applications are provided "as-is". CCMSI disclaims all other warranties, express, implied, or statutory, including the implied warranties or merchantability, satisfactory quality, title, fitness for a particular purpose, non-infringement, compatibility, security, quiet enjoyment, or accuracy. Without limiting the foregoing, CCMSI does not warrant that access to or use of the CCMSI Applications will be uninterrupted or error-free. CCMSI will provide support for the CCMSI Applications in the two most recent two versions of the Internet Explorer, Chrome, Firefox and Safari browsers.

**O. MISCELLANEOUS.**

1. Governing Law. This Agreement shall be governed by and construed in accordance with the internal laws of the State of Mississippi without regard to principles of conflicts of law.
2. Timing of Services. CCMSI may exercise its own reasonable judgment, within the parameters set forth herein and in compliance with State regulations, as to the time and manner in which it performs the services required hereunder. Additionally, CCMSI will be held to a standard of like administrators performing like services for customers such as Client.
3. Successors in Interest. This Agreement shall be binding upon, and inure to the benefit of, the successors in interest and permitted assigns of the parties hereto.
4. Severability. The invalidity or unenforceability of any particular provision of this Agreement shall not affect the other provisions hereof, and this Agreement shall be construed in all respects as if

the invalid or unenforceable provision had been revised to the minimum extent necessary to make it valid and fully enforceable under applicable law.

5. Paragraph Headings. All paragraph headings in this Agreement are for reference purposes only and shall not affect in any way the meaning or interpretation of this Agreement.
6. Waiver. The failure of any party to enforce any provisions of this Agreement shall not constitute a waiver by such party of any provision. A past waiver of a provision by either party shall not constitute a course of conduct or a waiver in the future with respect to that same provision.
7. Notice Provision. All notices, requests and other communications required under this Agreement shall be in writing and delivered by hand or mailed, registered or certified, return receipt requested, postage paid, or sent via a nationally recognized overnight courier to the other party at the following address:

Client: Ms. Leslie Scott, Administrator  
The Mississippi Association of Supervisors  
793 North President Street  
Jackson, MS 39202

CCMSI: Cannon Cochran Management Services, Inc.  
2 E. Main St.  
Danville, IL 61832  
Attn: Chief Operating Officer

8. File Destruction Policy. CCMSI will maintain electronic claim file records or hard copy files (where applicable) on all closed files on behalf of Client for a period of fifteen (15) years after the month of closure, or for as long as necessary to protect the applicable statute of limitations, whichever is longer. It is the sole responsibility of Client to advise CCMSI if files are not to be destroyed per this policy.
9. Insurance. CCMSI will purchase and maintain insurance coverages for its performance of the services contemplated in this Agreement. Minimum policy limits are as follows:

Workers Compensation – Statutory  
Professional - \$5,000,000  
General Liability - \$1,000,000 / \$2,000,000  
Umbrella - \$5,000,000

10. Entire Agreement/Amendment. This Agreement sets forth the full and final understanding of the parties hereto with respect to the matters described herein, and supersedes any and all prior agreements and understandings between them, whether written or oral. This Agreement may be amended only by written document executed by the Client and CCMSI.

11. Confidential Information. Confidential Information includes nonpublic information that is exchanged between the Client and CCMSI, including, without limitation, information relating to the business, financials, personnel, customer data and operating procedures. Confidential Information includes information whether in written, electronic, or oral form created related to services provide under the Agreement. All Confidential Information is proprietary. Client and CCMSI may use the other party's Confidential Information only for the purpose of this Agreement and will limit its disclosure to only those persons reasonably necessary to perform under the Agreement. CCMSI will share nonpersonal bulk claim data with the IDS National Database unless the Client directs otherwise.
12. Information Security. CCMSI is responsible for the protection of the confidentiality, availability, privacy and integrity of Client information in our custody. CCMSI has implemented an Information Security Policy that has been developed to comply with applicable federal and state laws or regulations and industry best practices. The Information Security Policy applies to all CCMSI personnel, including temporary employees, independent contractors and vendors with access to CCMSI systems.

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CANNON COCHRAN MANAGEMENT SERVICES, INC.

By: \_\_\_\_\_

Rodney J. Golden

Its: Chief Operating Officer/Executive Vice President

THE MISSISSIPPI ASSOCIATION OF SUPERVISORS

By: \_\_\_\_\_

Ms. Leslie Scott

Its: Administrator

**EXHIBIT A**

**SCHEDULE OF REPORTS**

1. A detailed listing of all claims broken down by location, policy year and line of coverage. (MONTHLY)
2. A summary of all claims broken down by location, policy year and line of coverage. (MONTHLY)
3. A check register listing all checks issued during a reporting period. (MONTHLY)

**EXHIBIT B**

**SCHEDULE OF RISK MANAGEMENT SERVICES**

**EXHIBIT C**

**SCHEDULE OF LOSS CONTROL SERVICES**

To be determined.

CCMSI will provide the Client loss control services upon mutual agreement of the parties. The client shall remain fully responsible for the implementation and operation of its own safety programs and for the detection and elimination of any unsafe conditions or practices.

CCMSI assumes no responsibility for the detection, identification, communication, mitigation, or elimination of any unsafe condition or practice associated with the safety program of any client. Further, CCMSI assumes no responsibility for any injury sustained by an employee of the client.



**EXHIBIT D**

**SCHEDULE OF comp mc<sup>TM</sup> SERVICES AND FEES**

Not applicable.

**EXHIBIT E**

**FEE AND PAYMENT SCHEDULE**

<b>Life of Contract Claim Pricing</b>			
<b>Coverage</b>	<b>0 – 60 days</b>	<b>61 – 150 days</b>	<b>+150 days</b>
AL	\$175	\$225	\$300
ALBI	\$0	\$0	\$950
ALPD	\$175	\$225	\$300
APD	\$175	\$225	\$300
CAT	\$0	\$0	\$365
CP	\$0	\$0	\$365
GL	\$175	\$225	\$300
GLBI	\$0	\$0	\$950
GLI	\$0	\$0	\$950
GLPD	\$175	\$225	\$300
LEL	\$0	\$0	\$1045
<b>Sunset Claim Pricing (Claims Open after 24 months from date of receipt by CCMSI)</b>			
AL	n/a		
ALBI	\$45 per month		
ALPD	n/a		
APD	n/a		
CAT	n/a		
CP	n/a		
GL	n/a		
GLBI	\$45 per month		
GLI	n/a		
GLPD	n/a		
LEL	\$45 per month		
<b>Annual Administration</b>			<b>Fee</b>
<ul style="list-style-type: none"> <li>• Dedicated client service team</li> <li>• Development of specific client service requirements</li> <li>• Monthly loss reporting</li> <li>• Quarterly claim reviews at client's request</li> <li>• Issuance of 1099's</li> <li>• Assistance in filing of all required state forms including state mandated assessments</li> <li>• Workers' compensation claim packets/state forms</li> <li>• Preparation for, compliance with and response to regulatory audits</li> <li>• Account Management and Administration</li> </ul>			10% of claim service fees
<b>Account Set-up (One time only fee)</b>			<b>Fee</b>
Initial set-up meeting to review and establish the following: <ul style="list-style-type: none"> <li>• Computer Set-up</li> <li>• Banking and Funding</li> </ul>			Included

<ul style="list-style-type: none"> <li>• Reports</li> <li>• Special Claim Handling Guidelines</li> <li>• All Other Miscellaneous Start-up Issues</li> </ul>	
<b>Internet Claim Access</b>	<b>Fee</b>
<p>Internet claims system access which includes:</p> <ul style="list-style-type: none"> <li>• Viewing access to all claims data</li> <li>• Risk Management statistical analysis</li> <li>• Comprehensive and complete access to claims management process</li> <li>• On-line reports</li> <li>• On-line reporting capability via the internet</li> <li>• Ability to generate OSHA 301 Form First Report of Injury</li> </ul> <p>Note: All Internet Claim Access services are included in the Annual Administration Fee.</p>	Included
<b>Loss Control Services</b>	<b>Fee</b>
<p>CCMSI will provide the Client loss control services upon mutual agreement of the parties. The client shall remain fully responsible for the implementation and operation of its own safety programs and for the detection and elimination of any unsafe conditions or practices.</p> <p>CCMSI assumes no responsibility for the detection, identification, communication, mitigation, or elimination of any unsafe condition or practice associated with the safety program of any client. Further, CCMSI assumes no responsibility for any injury sustained by an employee of the client.</p>	\$150 per hour
<b>MMSEA Section 111 Reporting</b>	<b>Fee</b>
<p>CCMSI in conjunction with our reporting agent will comply with MMSEA Section 111 Reporting on behalf of the client.</p> <ul style="list-style-type: none"> <li>• All injury claims will be queried to CMS for Medicare eligibility (no charge).</li> <li>• CCMSI will collect additional mandatory data on claims where Medicare eligibility has been verified. CCMSI along with our reporting agent will report all claims meeting the reporting guidelines as set forth by CMS. (one-time \$25 per claim fee)</li> </ul>	\$25/Per Claim Hit

Executed this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CANNON COCHRAN MANAGEMENT SERVICES, INC.

By: \_\_\_\_\_  
Rodney J. Golden

Its: Chief Operating Officer/Executive Vice President

THE MISSISSIPPI ASSOCIATION OF SUPERVISORS

By: \_\_\_\_\_  
Ms. Leslie Scott

Its: Administrator



STATE OF MISSISSIPPI  
GOVERNOR PHIL BRYANT

MISSISSIPPI TORT CLAIMS BOARD  
P. RYAN BECKETT, CHAIRMAN

MIKE CHANEY, Commissioner  
Insurance Department  
LYNN FITCH, Treasurer  
Department of Treasury  
JIM HOOD, Attorney General  
Office of Attorney General

GARY RIKARD, Executive Director  
Department of Environmental Quality  
ALBERT SANTA CRUZ, Commissioner  
Department of Public Safety  
KEVIN J. UPCHURCH, Executive Director  
Department of Finance and Administration

**MEMORANDUM**

**TO:** Mississippi Tort Claims Board  
**FROM:** Bruce Donaldson  
**DATE:** March 19, 2015

Myrtis Davis vs. Mississippi Department of Human Services  
2011-0000114

Estate of Austin Watkins vs. Mississippi Department of Human Services  
2010-0000321

Cody Overton vs. Mississippi Department of Human Services  
2013-0000791

Elizabeth Gardner vs. Mississippi Department of Public Safety  
2014-0000506

Secretary of State